To XVII

HANSARD

REFERENCE

PENITENTIARIES.

Years 1933——1936

HOUSE OF COMMONS DEBATES

FEBRUARY 6, 1933

VOL II

PORTSMOUTH PENITENTIARY

Hon. HUGH GUTHRIE, (Minister of Justice): I lay on the table the report of the superintendent of penitentiaries re Kingston penitentiary disturbances. I move that the report be printed, five hundred copies in English and two hundred and fifty copies in French.

Motion agreed to.

- p.1815

HOUSE OF COMMONS DEBATES

February 16, 1933

VOL II

PENITENTIARY ACT AMENTMENT

Mr. THOMAS REID (New Westminster) moved the second reading of Bill No.25, to amend the Penitentiary Act (eight hour day).

He said: Mr. Speaker, the main object of this bill is to reduce the working hours of the guards and officials of the penitentiaries, who are now working from eleven hours in the day to thirteen hours at night. It is proposed in the bill that their hours of duty be reduced so that they will be the same as those of all other civil servants, namely for the period of eight hours each day. Penitentiary guards and officials are the only class of public servants who are compelled to work more than eight hours a day. It is not necessary for me to point out that there is no more exacting work than that of guard or instructor in a penitentiary. They have always to be on their guard and to exercise the utmost vigilance in handling men confined to the penitentiary, some at least of whom are scheming to escape.

It has always seemed strange to me that the guards and other officials employed in penitentiaries should be compelled to work such long hours, especially when all other classes of employees are employed only eight hours a day. I ask hon. members to compare them with the police forces and members of fire departments throughout the country. It is my understanding also that in provincial prisons the guards are asked to work only an eight hour day, and I am informed further that in mental hospitals that is the duration

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Pen. Act Amendment (Cont'd)

of their daily duty. Throughout Canada however we have here institutions in which men are compelled to work an eleven hour period in the day and a thirteen hour period at night. It may be argued that throughout the month their daily average is not more than eight hours, but I suggest that is not a fair way of looking at it. The fact is that in a twenty-four hour period two men are asked to do the work of three. Where there is so much responsibility, where constant vigilance is required, where instructors and guards must be on the alert every moment they are on duty, it is not in the best interests of the country to compel them to work eleven or thirteen hour periods. They are dealing with men whose liberty has been taken away from them, and some of whom are continually plotting escape as is well known. Some men in penitentiaries fear neither law nor mankind.

At this time it is not my intention to discuss generally the conduct of arrairs in penitentiaries; that phase of the matter may be discussed later. The purpose of the bill, with the exception of section 2, is confined wholly and solely to the hours of duty during which officers shall work. The purpose of section 2 is to reduce from ten to eight the working hours of prisoners. On one occasion at least when I raised the question of hours of duty to which officials were subjected the Minister of Justice replied that the hours of labour of prisoners had some material bearing on the matter. It is with that in mind that the second clause in which the hours of labour of prisoners are reduced from ten to eight has been

Can. Act Amendment (Cont'd)

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added to the bill. I may add that the provision for a ten hour labour period now contained in that section is a relic of by-gone days and when people worked much longer hours than they do to-day. As a matter of fact at the present time no prisoners work a ten hour day; they work eight hours and very often less than that.

There is a provision in the bill whereby the warden or deputy warden, if necessity should arise may direct that the prisoners work longer hours. Ibelieve the bill as it now stands should commend itself to all hon. members, and I ask favourable consideration by the minister and the government.

Hon. HUGH GUTHRIE (Minister of Justice): Mr. Speaker,where practicable I am in favour of an eight hour day for all government employees. In our legislation concerning the eight hour day it will be found that the eight hour period now applies to almost all branches of the dominion public service, but there is in our a law a saving clause under which any particular branch of the federal service may be excluded from the operation of the eight hour day provision. One of the branches of the public service which up to the present time has been excluded is the penitentiary service. Under the Penitentiary Act all convicts who are sent to penitentiaries are sent there to do hard labour; that is a provision of the act. Hard labour embraces within its definition a ten hour day.

In the bill before us I notice a proposal to reduce the working hours of convicts to eight hours. The law has always contemplated ten hours as a proper day's work for convict labour. When one considers the proposal to reduce hours of labour the

question of the number of guards required for penitentiaries at once arises. I am informed by the departmental officials that with the exception of a single letter received from one guard, there have been no requests from the guards for a reduction in their hours of duty.. There have been many requests, however, by labour organizations asking that a reduction be made in respect of all members of staffs in our penitentiaries and particularly in respect of guards. I find also in the matter of guards that the Canadian penitentiaries are perhaps not as well staffed as prisons in other countries, notably in Great Britain and the United States. It may be that our staffs are a little limited in respect of the number of guards. In Great Britain I find that in the great prison of Dartmoor, where they had the serious revolt last spring, for 440 prisoners there was a staff of 96 guards, about one guard for every five prisoners. In the various prisons of the United States, while there is no uniform rule on the subject, the average is about one guard for every seven prisoners, while in the Canadian penitentiaries the average is approximately one guard for every ten prisoners. At the present time the number of guards employed in all penitentiaries of Canada is 598, but this has been increased within the last three months owing to disturbances which took place in three of the penitentiaries. At the time of the disturbance in the Kingston penitentiary there were 96 guards and 957 prisoners; at St. Vincent de Paul 115 guards and 1,115 prisoners; at Dorchester 47 guards and about 470 prisoners. The total number of prisoners in Canadian penitentiaries is in the neighbourhood of 5,000, includ-

[illegible] of the number of guns in required for penitentiaries as case arises. I am informed by the departmental officials that with the exception of a single letter received from one penitentiary there have been no requests from the guards for a reduction in number of guns at all. [illegible] However, by [illegible] organizations asking that a reduction be made in regard to all numbers of sentry in our penitentiaries and particularly in respect of guards. I find also in the matter of guards that the Canadian penitentiaries are paying not as well as and as prisons in other countries, notably in Great Britain and the United States. It may be that our sentry are a little limited in respect of the number of guards. In Great Britain I find that in the great prison of Dartmoor, where they had the serious revolt last spring, for 440 prisoners there is a staff of 80 guards. [illegible] In the Canadian prisons, while there is no uniform rule in the penitentiaries, we average in round one guard for every seven prisoners, while in the Canadian provincial prisons the average is approximately one guard for every ten prisoners.

The present line the number of guards employed in all penitentiaries of Canada is 696, but this has been increased within the last three months owing to disturbances which took place in some of the penitentiaries. At the time of the disturbances in the penitentiaries there were 96 guards and 907 prisoners; at St. Vincent de Paul 42 guards and 1,115 prisoners; at Dorchester [illegible] 1,[illegible] prisoners. [illegible]

ing those at Piers Island, B.C., and the total number of guards at the present time is 598, so the proportion of one to ten is pretty fairly maintained. And that proportion has been maintained on the basis of a twelve or thirteen hour day on the part of these guards. It is quite true, as my hon. friend who moved the second reading of this bill has stated, that the average hours of work of a penitentiary guard throughout the whole year do not amount to eight hours per day but that average is arrived at after computing certain leave and absences which the guard is permitted.

An Hon. MEMBER: Seven days a week.

Mr. GUTHRIE: I have had a report compiled upon the subject, and I find the matter has been under examination in the Department of Justice on several occasions during recent years. The average has been taken in respect to certain guards from actual time sheets. Their average for seven months is 203 hours and 50 minutes of service each per month. During the seven months the guards in question had 39 days' annual leave, two statutory holidays and 32 days' sick leave. The officers are paid for sick leave when they have sick leave to their credit. This works out at 6 hours and 26 minutes per officer per day in a thirty day month, or 7 hours and 50 minutes per day if a six day week is used as the basis of calculation. So taking the average throughout the year the actual time of service on duty of a guard is less than eight hours per day under the present system, although I grant that the ordinary day for the guard is some twelve hours and on night duty thirteen hours.

ing those at Pierre Island, S.O., and the total number of guards at the present time is 238, so the proportion of one to ten is [illegible] fairly maintained. And that proportion has been maintained on the basis of a twelve or thirteen hour day on the part of those guards. It is quite true, as my hon. friend who moved the second reading of this bill has stated, that the average [illegible] do not amount to eight hours per day but that average is arrived at after computing certain leave and absences which the guard is permitted.

An Hon. MEMBER: Seven days a week.

Mr. GUTHRIE: I have had a report compiled upon the subject, and I find the matter has been under examination in the Department of Justice on several occasions during recent years. The average has been taken in respect to certain guards from actual time sheets. Their average for seven months is 205 hours and 50 minutes [illegible] seven months [illegible] a position had 29 days' annual leave, two statutory holidays and 22 days' sick leave. The officers are, and for [illegible] they have sick leave to their credit. This [illegible] and 16 minutes per officer per day in a [illegible] month, [illegible] 7 hours and 50 minutes per day if a sick day [illegible] on the basis of calculation. So taking the [illegible] year the actual time of service on duty [illegible] 7 hours per day under the present [illegible] that the ordinary day for the guard is [illegible] on duty [illegible].

When prisoners are called upon to work they start early in the morning. The guards are turned out with them. They go in gangs to the various shops or quarries or fields to perform the ordinary penitentiary labour, and of course, guards are appointed for each gang of prisoners. A count is made when they go out, record is kept of all material they take with them; when their working period is over the same guard brings them back when another count is made to see that they are all there, and the materials are again all checked. So the time of the guard and the time of the prison labour coincides. If the proposed change is made and the guards are allowed an eight hour day there will have to be breaks in the working periods, unless the period of labour of the convicts in the penitentiaries is also reduced to eight hours as asked for in this bill.

It has been estimated that at least 175 to 200 additional guards would have to be taken on if the eight hour day system is put in force. The average cost per guard in the Dominion of Canada, according to the figures of last year, is $1,300. That includes uniform, cost of meals and estimated value of medical attention at $5 per man. The cost per man is $1,177.20, in round figures $1,200, and allowances as stated. An additional 175 or 200 guards would, it is said, also involve an increase in the number of higher officers on the staff. The amount of additional expenditure involved in the proposal is very serious; it would run, it is said, from $240,000 to $250,000 a year in the cost of management of the penitentiaries of Canada.

The wardens of the various penitentiaries do not favour the change, except one. One warden has drawn up a schedule of hours for the guards as well as for the prisoners, and he thinks the system could be made to work satisfactorily provided the increase in the number of guards which I have indicated, and also certain additional members of the higher staff, were permitted. That is the opinion of the warden of St.Vincent de Paul penitentiary, who is one of the very best officers on the whole penitentiary staff.

Mr. LAPOINTE: Hear, hear.

Mr. GUTHRIE: He says:

" The night staff would remain as at present, except for the alternation in the deputy warden and chief keeper visiting rounds. To assure full control it would be necessary to have an additional deputy warden or chief keeper. I think that it would be preferable to have an additional chief keeper; one assistant steward, one assistant engineer, one guard fireman, and three more keepers would also be necessary."

Those are the higher paid officers of the staff. He goes on to say:

" Only the guards taking over the duty from the night staff till the opening of the prison would report at 6.a.m., and would work from 6 a.m. to 8 a.m.; then at noon from 11.30 a.m. to 2.p.m., and from 5.30 p.m. until 10 p.m., thus making eight hours duty. The assistant chief keeper would relieve the deputy warden and the chief keeper two hours each during the day, and visiting rounds would require to be additional duty for this officer during the night."

He places the additional cost as far as the St. Vincent de Paul penitentiary is concerned at the sum of $45,000 a year, including salaries and uniforms. The other wardens do not favour the change according to the records in the department. And they point out that the guards themselves have not asked for the change except invery few instances.

Now, guards who serve on night duty do, I believe, serve as long as thirteen hours. They tell me that it is not good policy to attempt to change guards during the night hours. As I pointed out a few minutes ago, if guards are to be changed more frequently, there will always be a certain amount of delay when the change takes place; there will be the checking over of the men, or, as they call it in the penitentiary, "the count;" the checking of the tools and other material which has been used by the preceding watch or preceding guard. All these things involve extra trouble, a certain amount of delay and a very substantial amount of expenditure in increased staff. I do not think that under present conditions one would be warranted in proposing the additional expenditure in regard to penitentiaries of say a quarter of a million dollars for the purpose of introducing at this time the eight hour day system. I should like to see such a system introduced; I should like to see eight hours made a day's labour throughout Canada in all federal departments if it were possible to do so, but I do not think it would prove to be a very workable system in the penitentiaries at the present time. Certainly the guards in penitentiaries have very responsible positions. This week I read in the report of Senate debates that it was suggested by a certain senator that guards should be in the nature of evangelists, missionaries or teachers, who could improve the prisoners while they were serving their time. I can only say that if we introduced guards of this sort into our penitentiaries, the guards themselves very soon would become convinced they were misplaced.

Unfortunately, Mr. Speaker, our penitentiaries contain the most serious type of criminals to be found in the country. Of course there is a distinction between a prison and a penitentiary. For the most part the prisons of Canada are under provincial jurisdiction, while the penitentiaries are under the Dominion government. Unless a man is sentenced to a term of two years or more, and unless he is a criminal of the more serious type he is not sent to a penitentiary. During the past few years, however -- perhaps since the war -- we in Canada and perhaps the people of other countries, have been invaded by a class of criminal, not all Canadians but from other countries as well, of a more desperate type than we ever experienced before. Some attribute this condition to the motor car. We know that the motor car bandit and the hold-up man are much in evidence in Canada to-day. Bank hold-ups are of almost daily occurrence; there have been no less than four in Toronto within the last ten days. These bandits are armed and do not hesitate to use their arms should occasion arise. As a result we have in the penitentiaries of Canada a very large proportion of desperate criminals serving very long terms. Of necessity the guards in these penitentiaries must be strong and courageous; they must be men of intelligence and judgment, and they must be men who can be depended upon in any emergency. They have a very hard, reckless crowd with which to deal. Many of the prisoners seem to be entirely regardless of what may become of them individually; of course many are life prisoners, and they seem to be entirely careless of what may be

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[illegible] to be entirely careless of what may be

done to them. They are desperate, and like necessity desperation knows no law.

We must have carefully selected guards, therefore, and in the future we will endeavour to pay more attention than has been paid in the past to the selection of guards. The position of guard is an important one,and to a large extent it is a dangerous one, If the guards themselves objected to the hours of labour I think perhaps the matter might receive more consideration but, as I have stated, I have found in the records only one case where a guard suggested the eight hour day, although during the past six or eight years many labour organizations have pressed for it.

What I take to be the most formidable objection to changing the system at present, however, is the actual money required to make the change. With existing conditions in Canada I would not feel warranted in asking for the expenditure of an additional quarter of a million dollars, which would be necessary to put this change into effect, and I do not know that the change would produce any better results than we have experienced to-day. I should like to increase the number of guards in some of the penitentiaries, and as a matter of fact since the recent outbreaks this has been done. We have increased the number of guards at Kingston from 96 to 154, at St.Vincent de Paul from 115 to 140, and at Dorchester from 47 to 54. The staffs in the other penitentiaries remain unchanged. This was thought to be a wise precaution having regard to the conditions which undoubtedly existed in those institutions.

It must be remembered that at the moment we are faced with another rather heavy expenditure. We must take care of from five hundred to six hundred Doukhobor prisoners who are held at Piers island on the Pacific coast. That prison has been especially constructed for the purpose of looking after these prisoners, who have been sentenced to terms of three years imprisonment. A staff of guards had to be procured, I think in the ratio of about one to twelve, and the increase in expenditure occasioned thereby has been very considerable.

Under these circumstances I would not feel warranted in recommending the change proposed by this bill at the present time. I do not commit myself or anyone else in regard to future policy in this respect, though personally I strongly favour the eight hour day upon government work.

Mr. HANBURY: The minister stated that the increased cost would be about $250,000. I wonder if he could tell me just what percentage that is of the total cost of penitentiary services.

Mr.GUTHRIE: I could not answer that question unless I had the estimates before me. If my hon. friend will look at the penitentiary estimates he will find the total cost shown and he can make the calculation himself.

Mr.A.E. ROSS (Kingston City): I am in favour of the principle of this bill, especially since this country is committed to the eight hour day, but it seems to me that as this bill is drawn it is quite useless. The establishment of the eight hour day would depend upon the request of the warden or deputy warden, and we

[illegible] prisoners. We must take care of from five hundred to six hundred [illegible] prisoners who are held on [illegible] [illegible] have been sentenced to terms of three years imprisonment. A [illegible] I think in the ratio of about [illegible].

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Mr. [illegible]: The minister stated that the increased cost would be about $350,000. I wonder if he could tell me just what [illegible] that is of the total cost of penitentiary services.

Mr. [illegible]: I could not answer that question unless I had the estimates before me. If my hon. friend will look at the [illegible] estimates he will find the total cost shown and he can make the calculation himself.

[illegible] (Kingston City): I am in favour of the principle of this bill, especially since this country is committed to the eight hour day, but it seems to me that as this bill is drawn it is quite useless. The establishment of the eight hour day would [illegible] the warden or deputy warden, and we

have just heard that only one warden is in favour of the principle, so this would not appear to be of very much use.

My second point in regard to this bill is that the penitentiary system is undergoing reorganization, and it would be hardly fair for parliament to pass a bill such as this without giving the new organization sufficient time to consider the matter. So far as I am concerned I think eight hours is quite long enough for a guard to be on duty, but I believe we should allow this reorganization to take place before we consider any measure such as the one now proposed.

The second section of the bill is rather humorous; at present I think public opinion is rather changing with regard to the position of the convict. I have nothing to say with regard to the first offender; I always have been in favour of showing him every possible consideration. On the other hand, however, the second offender, the repeater, should receive no favour so far as this country is concerned unless we want to find ourselves, with regard to our penitentiaries and the whole question of crime, in a position similar to that in which our neighbour to the south finds itself to-day. It would not mean anything if we were to say the convicts should work only eight hours a day. Every prisoner has to be in his cell before dark, and that means that at no time do they work eight hours at a time. Then the suggestion is made that they should not be asked to work on fast days or thanksgiving days. I wonder what sort of thanksgiving day would appeal to a man in penitentiary. I do not think he would

consider that thanksgiving day as anything worth having. Clause 2 is absolutely humorous; indeed it is ridiculous, especially to those who understand the present day conditions in the penitentiaries.

While I shall vote for the principle of the bill, I think it would be much better if this house reserved its opinion until we see how the new organization was working out. If the guards at Kingston penitentiary have been increased from 88 or 90 to 140, it may be that the superintendent and the new warden will be in favour of this bill. I think it would be unfair for the house to express or press its opinion before the new organization can get under way and express its views.

Mr. ANGUS MacINNIS(Vancouver South): Mr. Speaker, I should like to say a few words in support of this bill. During my experience with labour movements throughout the past year I have always found that when a shorter working day is asked for it is argued that such is not possible because of working conditions and costs. However, it has always been found to work very well when put into effect, and I am sure the same thing would apply in this instance.

The minister says that these guards are charged with very responsible duties. I have no doubt that he is correct, but he should realize that a man charged with very responsible duties should not be asked to carry on with those duties for thirteen hours at a time. When a man hascarried on very responsible duties

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Mr. ALLAN McLEAN (Essex North): Mr. Speaker, I should like to say a few words in support of this bill. During my parliamentary career - I remember the year that I was elected - there was a very close fight, and I was a member of the opposition. I felt that such is not possible because of working conditions and hours. However, it has always been found to work very well in other offices, and I am sure the same thing would apply in this instance.

The minister says that I have heard his remarks with considerable favour. I have no doubt that he is sincere, but he should realize that a man employed with very respectable salary would be taken by surprise on his first hour after the expiration of a year. That is not unreasonable to my way of thinking.

for eight hours, I think it is time he should be relieved. Those of us who perform duties which take our attention for some considerable time know that as the hours wear on we get irritable and those with whom we are associated feel the effects of the long hours we have been at work.

Previously whenever the eight hour day question has been brought before the house we have been met with the argument that this is a matter of provincial jurisdiction and that this government could not do anything. In the present instance the Dominion government has full jurisdiction and the only obstacle in the way is that of organization and cost. Even with the additional cost, there would be some saving because of the fact that a certain number of men would be taken off the unemployed list. The minister stated also that the guards themselves did not want this. The guards at Westminster penitentiary or others speaking for them have approached me on this matter to ask my support. The guards did not want their names made known because they were afraid it might jeopardize their positions. I am glad to know that the minister is favourable to an eight hour day and that this would be put into effect if times were different, but I do not think conditions could be more favourable than at the present time. Two or three years ago times were fairly good in this country and yet no effect was made to reduce the hours. I would suggest that this is as good a time as any to make this very desirable change.

Miss AGNES C. MACPHAIL (Southeast Grey): Mr. Speaker, perhaps this is not the time to go into the penal system of Canada in any detail, and I do not propose to do so at the moment. I have no objection at all to an eight hour day for the guards, but I do not think the working day of the inmates should be reduced to eight hours. Everyone knows that what the convict fears is loneliness, he dreads being shut in a cell from time that he comes off work until the next morning. To add to that period of loneliness would be unnecessary and needless cruelty. I am hoping that some beneficial results will come out of the recent disturbances which have occurred and that lights will be put in the cells by which the prisoners can read. At the present time the lights provided make it almost impossible for the convict to read for any length of time. The statement is made that school teachers are provided and the prisoners have an opportunity of educating themselves. Those are just words without meaning. They have forty minutes immediately after they eat to attend the classes, the worst time possible to attempt to study. The blood supply cannot be in the stomach and the head at the same time.

May I be permitted to make the statement that in my opinion the recent disturbances were not due to certain prisoners who had been recently sent to the penitentiary. The government is to be congratulated in having communists in the penitentiaries on whom the blame for the disturbances can be placed. If the penal system of Canada had been reorganized according to the report of the royal commission which sat when Mr. Doherty was Minister of Justice

Miss Jean V. McCall (Southwest Area): Mr. Speaker, perhaps this is not the time to go into the penal system of Canada in any detail, and I do not propose to do so at the moment. I have no prejudice to this or any other hour day for the grounds, but I do not think the working day of the inmates should be reduced to eight hours. Everyone knows that even the normal hour is insufficient, so dreams being what in a call from time time to some off work until the next morning. To add to that period of boredom would be unnecessary and needless cruelty. I am hoping that some beneficial results will come out of the recent disturbances that have occurred and that lights will be put in the cells by which the prisoners can read. In the meantime, when the lights go out at 11 o'clock Saturday the 24 hours in over the long length of time. The minimum is 1440 plus minutes, plus service and the prisoner has nothing to do, especially if adequate recreation, from our point of view, is not made by hard reading. How long have Canadian Canadians ATTA long was to ADVICE the citizens, the most the possible to prevent in study. The blood curdle cannot be in the prisoner and fall back at the same time.

May I be permitted to make the statement that in my opinion the prison disturbances were not due to certain prisoners who had been recently sent to the penitentiary. The prisoners in my experience in prison accomplish in the institution on the place the two conversations and so forth. The local prison of Canada has been reorganized according to the report of the royal commission which is not long ago. Surely was Minister of Justice

there would not have been any disturbances. I should like to quote very briefly from the report of this commission which sat in 1914 as follows:

> Speaking for themselves, the members of the committee would not before undertaking this investigation have believed that the penitentiary system could have been as needlessly cruel as it in fact is, and the absence of those features of the system which involve unnecessary mental or physical suffering would not to any of them make prison any the less abhorrent.

That is the commissioners speaking, not the convicts. This very excellent report was reinforced by another one in 1921 by a committee appointed to advise upon the supervision of penitentiary regulations. There was also a resolution moved by myself and adopted by the government but never acted upon. Since 1914 nothing has been done to bring the penitentiary system of Canada up to date.

Our present system is based upon revenge and not upon reform. I disagree altogether with the hon. member for Kingston (Mr.Ross) who stated that we owed nothing to the repeater. The repeater is the result of poor environment, unsound heredity and an inefficient penal system. If there are a great many repeaters, then without going any further I think we can say that something radical is wrong with the penal system. Punishment should never be in the nature of revenge, it should always be with the idea of reforming the individual. At all times the state should be above the thought of wreaking vengeance on the individual.

Let me repeat what I said in the beginning. It would be the most cruel thing possible to limit the penitentiary working day to eight hours, because in that case the prisoners would be locked in their cells much longer than they are now. If the intention is

that the number of guards be doubled or increased, I have no particular objection. So far as lack of money is concerned, we can take what we are spending on cadet training or the non-permanent force or some other source of useless expenditure, and put it to this use if it is needed. The very fact that the prison population has doubled in the last three or four years goes to show that the causes of crime lie outside the penitentiaries; they are at the moment largely, although not wholly, economic, and just to increase the supervision in penitentiaries will never lead to a change in the penal system or to a reformation of the prisoner. If this bill means an eight hour day for all, I am very much opposed to it. If it means increasing the number of the right type of guards, then I would be in favour of it.

Mr. THOMAS REID (New Westminster): Mr. Speaker, if there are no other speakers, I might be allowed to say a few words. In view of the minister's statements it is not my intention now to press this bill; my desire was to have the matter brought to the serious attention of the minister and the house.

Mr. SPEAKER: If the hon. member is speaking in reply on the motion, I would call the attention of the house to the fact that if he speaks now he will close the debate. If anyone else wishes to speak he should do so now.

Mr. REID: I should like to say a few words, however, in reply to the Minister of Justice (Mr.Guthrie) who said that no guards had petitioned for this. The information given to me is that the guards are not allowed to organize and therefore they have no voice to

present their petitions to the warden or the minister of justice. I do not know why they are not allowed to organize -- that may be good business or otherwise -- but I believe I am fully voicing the expressed opinions on behalf of the men who work in the penitentiaries when I propose reducing the hours, eleven to thirteen, to eight. I presume it is a serious matter at this time to ask for such a large increase in expenditure. As regards the remarks of the hon. member for Kingston City (Mr. Ross) he may refer to section 2 as foolish, but the present regulations call for ten hours of hard labour. The prisoners are not doing hard labour or working ten hours. Why should he call it humorous or ridiculous to reduce the prisoner's hours to eight, I am at a loss to understand.

Mr. ROSS: I will agree with the hon. member that they have been shut in for about four months.

Mr.REID: Why did the hon. member not oppose the present act instead of this bill?

Mr. ROSS: The present act does not allow shutting in of that kind.

Mr. REID: I would ask the minister to take this matter into serious consideration, because I am convinced that an eight hour day can be put into effect. I spent the greater part of a day in seeing how the guards operated and how the whole system worked. My real purpose in introducing the bill was to bring the matter to the serious attention of the minister and the house. That having been done, and on the assurance of the minister I am quite willing, after hearing his remarks to withdraw the bill, and that this whole matter be again considered.

MR. SPEAKER: Is it the pleasure of the house that the hon. gentleman have leave to withdraw his bill? In any event I have grave doubt whether it is in order. I am inclined to the opinion that it is contrary to standing order 60, but as the hon. member is withdrawing the bill, the point need not be decided.

Right Hon. R.B. BENNETT (Prime Minister): Mr. Speaker, I was going to raise a point of order, but inasmuch as the hon. gentleman could discuss the matter on a resolution, I thought it better before doing so, for him to conclude his observations. This constitutes a charge on the public revenue and will increase taxes, so that according to the rules of the house it is a money measure and it is not competent for a private member to introduce a measure that involves an additional charge upon the taxpayers. The hon. member of course could discuss it on a resolution, and in view of that fact I thought it well to let the discussion conclude before raising the point of order. If an hon. member, by introducing a bill to reduce hours of labour, can circumvent the general rule precluding private members from introducing money bills, obviously the procedure is open to question. It is an indirect way of trying to do something that could not be done directly, and I submit that for further guidance it would be well to have the matter disposed of.

Bill withdrawn.

Mr. Speaker: Is it the pleasure of the House that the Honourable Member have leave to withdraw his bill? In my event I have never doubt whether it is in order. I am inclined to the opinion that it is necessary to adopt 60, but as the hon. member is withdrawing the bill, the point need not be decided.

Right Hon. R.B. Bennett (Prime Minister): Mr. Speaker, I was going, to raise a point of order, but inasmuch as the hon. gentleman could withdraw the motion on a resolution, I thought it better before doing so, for him to consider his observations. This constitutes a change in the really revenue and will increase taxes, so that according to the rules of the House it is a money matter and it is not competent for a private member to introduce a measure that involves an additional charge upon the taxpayers. The hon. member of [illegible] thought it would be for the Honourable gentleman before reaching the point of order. If the hon. member, by introducing a bill to reduce hours of labour, can circumvent the general rule preventing private members from introducing money bills, obviously the procedure is open to question. It is an indirect way of trying to do something that could not be done directly, and I submit that for further guidance it would be well to have the matter disposed of.

HOUSE OF COMMONS DEBATES

February 20, 1933 - Volume II.

Mr.CASGRAIN:

1. Did General D.M. Ormond, superintendent of penitentiaries, visit any of the penitentiaries since his appointment to that office; if so, what penitentiaries and on what dates were such visits made?

2. Did he interview convicts on said visits?

3. In what penitentiary or penitentiaries have there been riots since the appointment of General D.M. Ormond, and on what dates did said riots take place?

Mr. GUTHRIE:

1. Yes. Dorchester, N.B., August 22 and 23, 1932; Kingston and Collins Bay, Ont., September 19 and 20, 1932; Kingston and Collins Bay, Ont., October 19 to Nov.13; St. Vincent de Paul, P.Q., November 14, 1932; Kingston and Collins Bay, Ont., November 15 to 18, 1932; Kingston and Collins Bay, Ont., January 4 to 7, 1933; Kingston and Collins Bay, Ont., January 9 to 11, 1933; New Westminster and Piers Island, B.C., January 27 to February 11, 1933; Prince Albert, Sask., at present being inspected.

2. Yes.

3. Kingston, Ont., October 13, 17 and 20, 1932; St.Vincent de Paul, P.Q., November 4 and 7, 1932; Dorchester, N.B., January 7, 1933.

HOUSE OF COMMONS DEBATES, VOL. 11, 1932-33.

FEBRUARY 22, 1933.

GENERAL W. ST. PIERRE HUGHES. (pp 2356)

Mr. Casgrain:

1. When was General W. St. Pierre Hughes retired as superintendent of the penitentiaries?

2. Did he retire voluntarily or was he asked to tkae his superannuation?

3. When was a successor appointed; were applications asked for by the Civil Service Commission and was a board appointed by that Commission to examine the qualifications of the various candidates?

4. How many applicants were examined and was there a rating prepared by the board of examiners?

5. Who was the candidate recommended by the Civil Service Commission to the Department of Justice?

6. Was there a list prepared by the Civil Service Commission of the various candidates according to their qualifications and order of merit for the appointment?

7. What was the rank of General D. M. Ormond on that list?

8. Was he the candidate recommended as first choice by the Civil Service Commission, and if not, why was he selected in preference to the others?

9. Had General D. M. Ormond any experience in the administration of penitentiaries or prisons?

10. What were his special qualifications for the appointment?

11. By whom was he recommended to the Minister of Justice?

Mr. Cahan:

1. August 1, 1932.

2. Retired under Civil Service Superannuation Act on account of age.

3. (a) A certificate of appointment was issued May 12, 1932. Appointee reported for duty August 1, 1932. (b) Yes.

4. Sixty, and a report was made by the Board of Examiners.

5. Brigadier-General Daniel Ormond, C.M.G., D.S.O., and bar, Croix de Guerre (French), Russian Order of St. Stanislas, third class, with swords.

6. The procedure was as follows: (a) All applications examined; (b) applicants not entitled to the returned soldier preference set aside (eleven); (c) particular examination of qualifications of

Mr. Cahan:

forty-nine returned soldier applicants, eliminating those not considered qualified for any reason such as age, physical condition, education, experience, executive experience, administrative ability and so forth. This resulted in all but five candidates being eliminated; (d) five outstanding candidates considered; (e) a list was prepared containg two names.

7. First.

8. Yes.

9 No.

10. Special executive and administrative experience in important commands in the Canadian Expeditionary Force and, since the war, in commanding military districts in Canada; his legal training (having practised as a barrister before the war) was also of considerable value in filling a position of superintendent of penitentiaries.

11. No recommendation made to Minister of Justice.

FEBRUARY 22, 1933.

MOTIONS FOR PAPERS.

GENERAL W. ST. PIERRE HUGHES.

MR. CASGRAIN:

For a copy of all documents, reports, letters, telegrams, applications, ratings, recommendations and all other papers on the files of the Civil Service Commission and the Department of Justice concerning the vacancy created by the retirement of General W. St. Pierre Hughes, superintendent of penitentiaries, and the appointment of his successor, General D. M. Ormond, of Calgary.

(pp 2359)

HOUSE OF COMMONS DEBATES, Vol. 11, 1932-33.

FEBRUARY 23, 1933.

PORTSMOUTH PENITENTIARY--PROSECUTION OF CONVICTS.

MR. MITCHELL:

1. Is the government retaining Colonel Keillor McKay to prosecute the convicts who are alleged to have been involved in the recent Kingston penitentiary riots?

2. if so, when did he commence his duties and who recommended his appointment?

3. What are the terms of his engagement?

4. Will the government provide counsel for the prisoners?

Mr. Guthrie:

1. Yes.

2. January 2, 1933--The Minister of Justice.

3. $50 per day and expenses.

4. No.

(pp 2381.)

HOUSE OF COMMONS DEBATES, VOL. 11, 1932-33.

MARCH 2, 1933.

GENERAL D. M. ORMOND--PENSION.

MR. CASGRAIN:

1. Is General D. M. Ormond, superintendent of penitentiaries, in receipt of a pension?

2. If so, what is the amount of such pension?

3. For what reason does he receive such pension?

Mr. Guthrie:

1. Yes.

2. $2,890.80 per annum; of which $1,540.93 is paid to General Ormond at the present time in order to make his annual salary as Superintendent of Penitentiairies equal to the rate of pay and allowances of which he was in receipt at the time of his appointment as superintendent as provided by susection 13 of section 4 of the Militia Pension Act.

3. Long service.

(pp 2616)

(am 2045)

HOUSE OF COMMONS DEBATES, VOL. 11, 1932-33.

MARCH 6, 1933.

MR. THOMAS REID (NEW WESTMINSTER): Ishould like to direct a question to the Minister of Justice (Mr. Guthrie) based on a communication which has just reached me with regard to some trouble in the New Westminster penitentiary. I wonder if the Minister of Justice has any report on the matter.

Hon. Hugh Guthrie (Minister of Justice): I have had no recent information of any trouble at all in that penitentiary. Some three or four weeks ago I received a report that a disturbance had been planned, at all events, involving some seven or eight prisoners, but nothing serious developed although I may tell my hon. friend that I have received warnings from outside the penitentiary that an effort is being made to stir up trouble there. That came to me through an intercepted communication from outside, and it was back about the beginning of January. No trouble of any kind has occurred there so far.

(pp 2716)

HOUSE OF COMMONS DEBATES, VOL. 11, 1932-33.

MARCH 8, 1933.

NEW WESTMINSTER PENITENTIARY.

HON. HUGH GUTHRIE: (MINISTER OF JUSTICE): On Monday the sixth instant my hon. friend from New Westminster (Mr. Reid) asked me a question with regard to conditions in the New Westminter penitentiary. He said that a communication had reached him with regard to some trouble in the New Westminster penitentiary, and I replied on Monday the sixth that no word of it had come to my knowledge. I just wish to inform my hon. friend that a slight disturvance did occur in the penitentiary yesterday, not on Monday. It was not a very large affair, and I am glad to say that it was promptly quelled.

Mr. Reid: I hope the minister is not implying that I had advance knowledge of the trouble that occurred yesterday.

(pp 2821)

HOUSE OF COMMONS DEBATES, VOL. 11, 1932-33.

MARCH 23, 1933.

PRINCE ALBERT PENITENTIARY WARDEN.

MR. TOUZKE:

1. When was Mr. W. J. McLeod retired as warden of the penitentiary at Prince Albert?

2. Has any department of government sold an electric refrigerator and an electric range to the said Mr. McLeod; if so, when and at what prices?

3. Have any other articles of merchandise been sold to the said Mr. McLeod; if so, what articles, when and at what prices?

4. Is it a general practice of any department of government to sell merchandise to retired employees?

Mr. Cahan:

1. Januaryl, 1933.

2. No.

3. No.

4. On several occasions the government contracts supervision committee has sold merchandise to retired employees with the distinct understanding that it was for their own use and not for resale.

(pp 3302)

MARCH 30, 1933.

PENITENTIARY ACT AMENDMENT.

PROPOSED APPOINTMENT OF OFFICIALS BY GOVERNOR IN COUNCIL.

HON. HUGH GUTHRIE (MINISTER OF JUSTICE) moved that the house go into committee to consider the following proposed resolution:

That it is expedient to amend the Penitentiary Act to provide that the governor in council may appoint a superintendent of penitentiaries; and may appoint such inspectors, wardens, deputy wardens and other administrative or executive officers as may be required, with such salaries as are approved by the governor in council; and that the superintendent, upon the recommendation of the warden, may appoint such guards, trade instructors and other subordinate officers and employees as are necessary, with such salaries as are approved by the governor in council; and to make further provisions in respect to gratuities paid to officers on retirement and the widows or dependents of officers who die in the service.

RIGHT HON. W.L. MACKENZIE KING(LEADER OF THE OPPOSITION): Mr. Speaker: this resolution involves the introduction of a bill which means a departure from the merit system and a return to the discredited patronage system with respect to appointments in connection with the penitentiaries, and I want therefore to take very strong exception, at the very outset, to the passage of this resolution.

To begin with it will have an unsettleing effect upon the whole civil service of Canada. If this important branch of the civil service is to be withdrawn from the operation of the Civil Service Act. Hon. gentlemen opposite were in office, I believe, at the time provisions of the Civil Service Act were extended to cover some of the outside services, and they will recollect the difficulty there was in getting the measure through the house and the necessity of backing up their efforts by strong public opinion throughout Canada. However, when the act was extended, it was proclaimed as being a distinct reform and very much in the public interest. Although there are certain disticnt limitations with respect to the manner in which the Civil Service Commission has operated, nevertheless if we weigh the advantages against the disadvantages, particularly in regard to

Hon. W.L. MACK. KING:

the great majority of appointments, the argument would be wholly in favour of retaining the merit system and promotion under it, rather than returning to the old system of patronage.

I am informed that if this measure carries it will affect about a thousand individuals in the public service in Canada connected with the penitentiaries. I imagine the number is larger than that, but at least a thousand will be affected. The expenditure in salaries for these individuals runs considerably over a million dollars, according to figures already given to the house. It would be a grave misfortune if we were to permit this retrograde step, especially in the form suggested in the resolution. In the first place not only does the Civil Service Commission lose control but to a very considerable extent the government loses control over appointments. As I read the resolution, the superintendent of penitentiaries, upon recommendation of the wardens, makes appointments of guards and other officers, without the government having anything to do with it. There is nothing to prevent a warden bringing all his poor relations to the penitentiary and maing them guards under this control. No one knows better than the Minister of Justice that when it comes to matters of patronage it is not so much the minister as the patronage committee in the locality which determines the persons who are to be appointed.

Then there is a very special and strong reason why this departure from the control of the Civil Service Commission should not take place with regard to penitentiaries. The reason is that the penitentiaries themselves are institutions existing for the purpose of reform, and the introduction of patronage system in regard to appointments generally would be certain to have a very serious effect upon discipline and reforms in the penitentiaries.

With respect to one or two of the senior appointments,

Hon. W.L. MACK, KING.

The great majority of constituents, the argument would be wholly in [illegible] rotunda to the old system of patronage.

I am informed that if this secure service is will effect about a thousand individuals in the public service in Canada connected with the penitentiaries. I imagine the number is larger than that, but at least a thousand will be affected. The expenditure in [illegible] amounts to [illegible] a million dollars annual [illegible] of [illegible] grace already given to the house. It would be a grave misfortune if we were to permit this retrograde step, especially in the form suggested in the resolution. In the first place not only does the Civil Service Commission lose control but to a very considerable extent the government loses control over appointments. As I read the resolution, the superintendent of penitentiaries, upon recommendation of the warden, makes appointments of guards and other officers. Without the commission having anything to do with it. There is nothing to prevent a member bringing all his or her relations to the penitentiary and making them guards under this control. We are known better than the minister of justice that when it comes to matters of patronage it is not so much the minister as the patronage committee in the locality which determines the persons who are to be appointed.

Then there is a very special and strong reason why this department from the control of the Civil Service Commission should not take place with regard to penitentiaries. The reason is that the [illegible] penitentiaries [illegible] the law [illegible] [illegible] [illegible] in regard to [illegible] [illegible] to have a very serious effect upon [illegible] penitentiaries.

HON. W.L. MACK. KING:

for example the appointment of a superintendent or wardens, i believe ther may be some good reason why the government itself should take the responsibility for such appointments. I do not believe the Civil Service Commission, operating the way in which our commission has operated in the past with respect to the appointment of some wardens, are doing the work ~~of~~ efficiently as it would be done by the minister himself. I said that before, some time ago, and what has happened since bears out the truth of my statement. That a group of gentlemen, none of whom has any special training or the expert knowledge required in determining the qualifications of a warden of a penitentiary, should undertake such appointments, is a course of procedure certainly open to question. All thins considered I believe that concerning important technical positions requiring certain special personal and other qualifications, the minister himself is perhaps better able than the commission to make appointments. But when it comes to the appointment of clerks and guards and other administrative and executive officers as well as those filling minor positions in a penitentiary. I cannot see how the warden is any beter qualified than the Civil Service Commission. I should think he might well and should advise the commission with regard to the qualifications of the men under his authority but to leave the making of appointments in his hands is, I believe, a mistake.

I just wish to stress at the outset what has been recognized by the press of all political parties since the resolution appeared on the order paper to be a distinct step backwards and a great misfortune. I was hoping the minister was going to allow the resolution to remain on the order paper until the close of the session, since it had been there already for so long a time. I thought he was paying ~~xxxxxxxxxxxxxxxxxx~~ attention to what seems to

Hon. W. L. Mack. KING:

be the universal voice of the press with respect to this particular measure. Before we proceed much farther I hope he will be able to give us some of the reasons why he has introduced it at all, let alone why he wishes it go go to the length to which it would appear to go.

HON. HUGH GUTHRIE (MINISTER OF JUSTICE): Mr. Speaker, I think I can assure the house that this measure has been brought forward only after very serious consideration not only on the part of myself and officers in my department, but on the part of mycolleagues and the senior officers of the penitentiary staff. I am not opposed to the merit system which is recognized under the Civil Service Act of Canada. I supported that measure when it was brought into the house, and I am still prepared to support it. But in my view, and with my perhaps limited experience in penitentiary management I have come to the conslusion that the penitentiary staff is not a civil service staff at all. It is no more a civil service service staff than is the Royal Canadian Mounted Police or the militia force of Canada. Ninety per cent of the penitentiary staff should be considered as a semi-military or semi-police staff, and not a civil service staff at all.

In his remarks my rihgt hon. friend has intimated that he would not be greatly opposed to, or perhaps would approve of, the appointment of the higher officials on the penitentiary staff, notably the superintendent and wardens, by the minister or by His Excellency the Governor General in council. I am glad he made that statement. But from information I have been able to gather and experience I have had, and advice that has been given to me, it is far more important in regard to the administration of penitentiaries that the guards and minor officials, who have actual contact all the time with the prisoners, should be selected by some authority other

Hon. M. L. Nock, K.C.:

In the universal voice of the press with respect to this particular measure. Before we proceed much further I hope he will be able to give us some of the reasons why so has introduced it at all, for more why he wishes it go to the length to which it would appear it go.

Hon. W. F. MACDONALD (Minister of Justice): Mr. speaker, I think I can assure the house that this measure has been brought forward only after very far reaching consideration not only on the part of myself and officers in my department, but on the part of my colleagues and the senior officers of the penitentiary staff. I am not opposed to the merit system which is recognized under the Civil Service Act of Canada. I supported that measure when it was brought into the house, and I am still prepared to support it. It is my view, and with my perhaps limited experience in penitentiary management I have come to the conclusion that the penitentiary staff is not a civil service staff at all. It is more a civil service staff than is the Royal Canadian Mounted Police or the militia force of Canada. Ninety per cent of the penitentiary staff should be considered as a semi-military or semi-police staff, and not a civil service staff at all.

In his remarks my right hon. friend has indicated that he would not be greatly opposed to, or perhaps would approve of, the appointment of low ranking officials on the penitentiary staff, [illegible] a postmastership and wardens, by the minister or by the Governor General in council. I am glad to make that [illegible]. It from information I have been able to gather and [illegible] that has been given to me, it is [illegible] of penitentiaries [illegible], we have acted all the [illegible]

HON. HUGH GUTHRIE:

than the Civil Service Commission under which they are now appointed. These men, guards in particular, not only have the actual contact with the prisoners, but they are there for the protection of life, not only their own lives and the lives of the staff but the lives of the prisoners as well, and far greater care should be taken in the selection of guards in our penitentiaries than has been exercised under the system that has been in vogue for the past ten or fifteen years. I have been informed that in Great Britain guards are specially selected by a prison commission, not the Civil Service Commission, a prison commission, operating under the Department of Home Affairs I believe. In England they are for the most part military men or men of military experience. Great care is taken in their selection, and they are given a course of training of about six months before they are trusted in penitentiaries with the full status of guards.

In this country under the Civil Service Commission the system which has been adopted in regard to the appointment of guards is entirely different. Application is made to the warden of the penitentiary by any man who desires to become a guard. If the warden is in need of new guards or is likely to be, he can send application forms to the man and notify him to appear before him at the penitentiary, and if the man is able to measure up to the physical requirements as to health, physique and the like, and has a reasonable amount of the education, his name is then submitted to the Civil Service Commission in Ottawa. I presume they go over the particulars in the application as they receive it. They never see the applicant they are never in contact with the applicant at all, but if on the written application he appears to be all right they simply place his name upon a eligible list, saying John Brown stands 92, John Smith 88, someone else 85 and so on according to merit as the Civil Service

Branch no. 1024, reads:

[illegible]

Then the Civil Service Commission under which they are now appointed, these men, guards in penitentiaries, not only have the normal contact with the prisoners, but they are there for the protection of life, not only their own lives and the lives of the staff but the lives of the prisoners as well, and far greater care should be taken in the selection of guards in our penitentiaries than has been exercised up to the system that has been in vogue for the past ten or fifteen years. I have been informed that in Great Britain guards are specially selected [illegible] military qualifications, but also civil service [illegible]. Prison officers are the successors of the Knights Templars of the Middle Ages. [illegible] great care is taken in their selection, and they are given a course of training of about six months before they are [illegible] duties with the full status of guards.

In this country under the Civil Service Commission the system which has been adopted in regard to the appointment of guards is entirely different. Application is made to the warden of the penitentiary by any man who desires to become a guard. If the warden is in need of new guards or is likely to be, he can send application forms to the man and notify him to appear before him at the penitentiary, and if the man is able to measure up to the physical requirements as to height, weight and the like, and has a reasonable amount of the education, his name is then submitted to the Civil Service Commission in Ottawa. I presume they go over the particulars in the application as [illegible]. They never see the applicant they are never in contact with the applicant at all, but if on the written application [illegible] [illegible] a white list, young John Brown stands 95, John Smith

HON. HUGH GUTHRIE:

Commission view it, having never seen the man. That list is returned to the warden, and as vacancies arise on the staff of guards he picks the names according to the rating on the eligible list by the Civil Service Commission.

Now the warden does not feel very much concerned in the original selection. He is not the one who makes the appointment, and he knows it. He simply submits names to the Civil Service Commission. They, without much information other than the written statements on their blancks, make the eligible list and submit it to the warden with instructions to take men as the names appear on that list. I do not exactly understand how these eligible lists are prepared, or how long they are supposed to be in force, but I am told that as many as fifteen or twenty eligible lists have been in force in some of the penitentiaries. The result is that while you may pick two or three from the top of the first list you have to go on down to the inferiors before you can start on the second.

MR. BOTHWELL: Is it not a fact that the eligible list only stands for one year?

MR. GUTHRIE: I thought that, but I found it is not so. At least it does not obtain in all the penitentiaries.

Mr. Bothwell: There is a statement on the forms to that effect.

Mr. BOUCHARD: Unless it is renewed.

MR. GUTHRIE: There seems to be some power of renewal, because I know of more than that in existence to-day. However, what I complain of is that there is no proper scruting or examination of guards who are appointed to positions in our penitentiaries for many years back. I am inclined to think that a guard should be more than an ordinary caretaker or anything in thatline. In the first place he must have the necessary physique, must be a strong, robust man. He must be a man of

Commander: Yes it, having never seen the man. That list is returned to the woman, and as warrants going on the ship or quarter we place the person account of to the rolls on the eligible list by the Civil Service Commission.

Now the warden does not feel very much concerned in the political selection. He is not the one who makes the appointment, and he knows it. He simply sends name to the Civil Service Commission, so that some intermediate place the selection necessary on other women, some who either is lies and submit it to the woman with instructions to take men as the names appear on that list. I do not see anything for Civil Service Law are concerned, the law says nothing as to it there, and I see only two ways Citizen or hereby eligible I have been in force in some of the institutions. The year is the only ability you may give the person the hat or the [illegible] list you have to go on and in the [illegible] you can assist on the account.

Mr. [illegible]: Is it not a fact that the eligible list only shows for the year?

Mr. [illegible]: I thought that, but I found it is not so. We issue it from [illegible] in all the conditions.

Commander: There is a statement on the forms to that effect.

Mr. [illegible]: Is renewed.

Mr. [illegible]: There seems to be some power of renewal, because I know [illegible]. However, that [illegible] to that [illegible] meaning or examination of guards who are [illegible] in [illegible]. In the first place he must have the [illegible] Citizen, [illegible] a man of

HON HUGH GUTHRIE:

some education. We have some guards whose education is so slight that that I believe all they can do is sign their own name. He must be a man of courage, that is very essential, because he has to deal with man very daring, reckless prisoners. There is a large proportion of very daring prisoners in our institutions at this time. Above all a guard should be aman possessed of anyaverage amount of human sympathy. I do not mean maudlin sentimentality, but human sympathy and discretion. Another thing that I think a man should have to be a good guard is some idea of military training or military discipline. The experience in England has been that the best penitentiary guards are intelligent men who have had military experience. I do not say they are all good, even at that, because they are not.

It has been represented to me in very definite form by the superintendent that the present system of appointment is not satisfactory, and he does not think it can be made satisfactory. He is very insistent that some new method be adopted. In order to avoid the charge that I was returning to political patronage by suggesting such a thing, I framed this resolution in a way that would give the responsibility for appointment to the two men most concerned, that is the warden, who has to look out for the safety of the institution, and above him the superintendent who has to superivse and inspect that institution. Let me give what I think is a parallel case, I refer to the Royal Canadian Mounted Police. Nominally I am at the head of the administration of that force. Only nominally, for the purpose of bringing measures to parliament, arranging the finances and the like. I never interfere in any way with appointments to the force, with promotions in the force, with interior working of the force. I have never interfered in any way in the two and a half or three years that I have been in charge of it. I believe that is an ideal system.

HON. HUGH GUTHRIE:

The officers at the head of that force absolutely control it in every respect as far as appointments, promotions and the like are concerned. And I would like the same system to prevail in regard to the guards and minor officials in the penitentiaries. I think that all instructors, keepers and attendents, as well as guards, should be appointed directly on the recommendation of the warden, approved by the superintendent. The warden then is responsible for his selections. He knows that his own safety, his own life, may some day depend on the courage and discretion of that man whom he is selecting. Within at the most two months that man will also be inspected by the superintendent. But he does not have to wait two months, under the scheme which the superintendent has laid before me. He says, "If the warden serifies that he has examined the man and he is satsified, then I will let him remain there temporarily until I have a chance of interviewing him myself, which would be on my first visit to the institution in question." Between the two I believe they would select satisfactory men. I think, of course, the inclination would be to carry out the Civil Service Act in regard to returned men, because I know that the superintendent has the view, and I would have the view myself, that returned men who are now entitled to preference, will probably in most cases make the most satisfactory guards and attendents in our penitentiaries.

Having asked in this resolution and in the bill which will be presented to this house that the immediate staffs in the penitentiaries be appointed by the warden or superintendent without let, hindrance or approval from myself or anyone else, I think we will establish a far better system will obtain for more efficient and trustworthy guards and will meet any criticism that might be offered with regard to political partisanship, and we will adopt in every essential the merit system. We will only take men who are capable of fulfilling

Mr. Jerry continued:

The officers at the head of that force practically control it in every respect as far as appointments, promotions and the like are concerned. And I would like the same system to prevail in regard to the guards and minor officials in the penitentiaries. I think also all instructors, teachers and attendants, as well as guards, should be appointed directly by the Commission of the Penitentiary Department by the Administration.

The warden then is responsible for his selections. He knows that his own safety, his own life, may come day depend on the courage and discretion of that man whom he is selecting. Within at the most two months that man will also be discovered by a committee. Not he then not have to wait two months, under the scheme which the attorney-general has laid before us. He says, "If the warden certifies that he has examined the man and he is satisfied, then I will let him remain. Have a reasonable period - have a chance of interviewing his myself. Well, we can go first visit to the institution in question."

Between the two I believe they would select satisfactory men. I think, of course, the medical man would be to carry out the civil service act in a case to determine men, because I know that the superintendent has the view, and I would have the view myself, that returning men who are now entitled to pensions, will prove by in most cases men who most set all story guards and attendants in our penitentiaries.

Having added in the resolution and in the bill which will be presented to this house that the immediate results in the penitentiaries

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all the requirements I have mentioned, and their promotion will depend upon their own efforts.

In regard to the higher appointments, the inspectors and the superintendent, I agree with my right hon. friend; I believe that I or my successor would be just as well qualified to appoint a superintendent, after having looked over the field, as would the Civil Service Commission. I do not feel so much concerned about those appointments as I do about the guards and minor members of the staff, but I agree with my right hon. friend that the minister in charge can make just as good a selection of the highter officials as can the Civil Service Commission. One great difficulty which I think every department experiences in regard to civil service appointments is the delay, the correspondence, and what some people describe as the red tape. It takes months to get a position filled. The advertisement must be current for four for five weeks; then a committee is appointed to examine the applicants. They meet and adjourn, meet and adjourn, meet and adjourn; it becomes intolerable. It is true that in the Penitentiary Act there is a provision for an emergency appointments for thirty days when an emergency arises, and acting under that provision last fall the superintendent appointed a temporary warden at Kingston penitentiary. That position since has been made permanent by the Civil Service Commission. Then it became important to appoint two inspectors to take the places of inspectors who had been retired for the improvement of the service; perhaps one appointment has been made, but nxxx up to the present time the other certainly has not been filled. The advertisements have current; the examinations have bee held; the committee of examiners has been appointed. They have met and adjourned, met and adjourned, and this morning I was told they had made selections.

HON. HUGH GUTHRIE:

This is all very inconvenient in connection with penitentiaries and in dealing with the class of people confined therein. I believe my right hon. friend was quite correct when he stated that in his opinion the higher positions might be filled on the recommendation of the mini ter, or by his excellency the governor general in council. However, I do feel that the pronouncements of the wardens and of the superintendent are so definite in regard to the question of guards that hereafter the guards should be appointed in the manner set forth in this resolution. I do not ask for any power in this matter for myself or my departme t, but I do ask that the powers be conferred upon the superintendent and the wardens of the various institutions, and that is practically all that is contained in this resolution.

MR. E. R. R. CHEVRIER (OTTAWA): I will reserve any extended remarks until the bill is introduced, so that we may know exactly what is before us, but let me say at the outset that I am absolutely and irrevocably opposed to any resoulution or any bill that may be based thereon.

MR. GUTHRIE: Just a point of order, Mr. Speaker; I thought I closed the debate, though perhaps I did not.

Mr. SPEAKER: The minister did not speak on the introduction of the resolution.

MR. CHEVRIER: I thank the hon. minister for his courtesy in not pressing his point as I said, Mr. Speaker, I am absolutely opposed to any departure from the merit system. The minister of Justice (Mr. Guthrie) may not feel that this is such a departure, but I feel very strongly that it si. The minister says this resolution is introduced after having been given very serious consideration by the officials of the penitentiaries branch and of the Department of Justice. That may be so,

This is all very inconvenient in connection with an-
[illegible] and in dealing with the class of people a[illegible] [illegible]
I believe by right [illegible]. Indeed was quite serious when he stated that
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are the [illegible] are [illegible] in regard to the question
of people that because the people should be [illegible] in the manner
not [illegible] in their [illegible]. I do not [illegible] never in the
[illegible] for [illegible] or [illegible], but I do ask that [illegible] be
[illegible] upon the [illegible] and the problems [illegible]
[illegible], and that is [illegible] all that is contained in it is
[illegible].

Mr. J. E. Pettigrew (Cornwall): I will preserve any extended remarks
until the bill is [illegible], so that no one would [illegible] what is
before us, but let me say at the [illegible] that I am [illegible] and
[illegible] opposed to any resolution or any bill that may be
[illegible] thereon.

Mr. [illegible]: Just a [illegible] [illegible]
[illegible].

Mr. [illegible]: The [illegible] will not [illegible] on the introduction of the
resolution.

Mr. [illegible]: I think the hon. minister for his courtesy in not [illegible]
[illegible] as I said, Mr. Speaker, I am absolutely opposed to any
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[illegible]. The minister says this resolution is introduced after
[illegible] consultation with the officials of the
[illegible] Department of Justice. That may be a

MR. CHEVRIER:

but the minister proceeded to say that the penitentiaries staff is not a civil service staff but is of a quasi-military nature. Well, what about the militia department and the naval department? We might go into some other lines of activity in the various departments that are of a similar character. For instance, if the wardens protect life and the property of the government what about the life guards who also protect life on our coasts? For such a difficult position as a life guard or lighthouse keeper the Civil Service Commission still has juridiction, and I think properly so.

I have stated in this house time and again, that the blame for the administration of the law is not to be placed on the commissioners; the blame must be placed upon the members of this house for having framed a civil service law that is far from adapted to the ends it was designed to serve, and the absolute reluctance of this and former houses to amend that law in accordance with prevailing conditions. Every time some of us have stood up and advocated amendments to the civil service law in order to make it more pliable, better to meet the exigencies of the situation we have been accused of wanting to return to patronage. As the minister has said, there have been delays, but after all those who are charged with administration of a law can only discharge their duties according to the terms of that law. If we give to the civil servide commissioners, whoever they may be, a proper law, then if they do not administer it to our satisfaction we can blame them

It may be quite true that the selection of wardens and guards is carried on to-day in a very cumbersome manner, but let me point out some of the difficulties under which the commission must labour. I have before me this jok book, the classification of 1919, under which most of the appointments complained of by the minister were

MR. CHEVRIER:

made. Let us see what are the qualifications set out for the superintendent of penitentiaries, and let me remind the house that the Civil Service Commission cannot appoint anyone to that position unless he possesses the qualifications here contained, which are as follows:

Superintendent of penitentiaries; qualifications: Education equivalent to graduation from a university of recognized standing; several years of administrative experience in reformatory work---

You would thing the superintendent of a penitentiary would have to have been a convict at one time.

--thorough familiarity with criminology and the administration of penal institutions; executive ability.

Where will the minister or the Civil Service Commission find a suitable man while they are bound by these qualifications? I think it was silly tin included q ualifications of this kind, but the minister and this parliament only have to change these qualifications and say what they thinkk should be the type of man appointed to this position. Then the Civil Service Commission can find such a man. What are the qualification of wardens? The Civil Service Commission cannot appoint anyone unless he has the qualifications set out here, and he would probaly be worthless as a warden if appointed under these conditions. But do not blame the commission for trying to find men who have these qualifications. Let me quote the qualifications;

Education equivalent to high school graduation and preferably university training.....

University training! If the best qualified man happened to appear before the board as constituted by the Civil Service Commission under the regualtions and he did not have university training or high school education though he might be the best warden in the world., they would not appoint him. In addition to that, it is provided the the shall have:

Five years of prison experience--

MR. CHEVRIER:

Fortunately they add these words:

—in a supervisory capacity or experience of similar character and standard; familiarity with criminology and prison problems; administrative ability.

You cannot blame the Civil Service Commission for appointing men who may not be fitted for their position if you insist upon their demanding these qualification, and tell them that this is the yardstick by which applicants must be measured, the rule by which they shall be appointed. I think it is unfair to say that the commission is unable to make proper appointments so longas we do not provide them with the means whereby to make the best selections. Such criticism cannot be justified. I shall not read the whole of the qualifications for the various kinds of guards, but they are all set out, beginning at page 394 of this joke book for which the Civil Service Commission itself is not at all responsible, because the responsibility lies with the Griffenhagens and their satellites. This book was forced upon the civil service in 1919 by hon. gentlemen opposite. The act was passed in 1918 to abolish patronage and in 1919, after the Griffenhagens had compiled this joke book, these classifications came into force—classifications absolutely unnatural and not adapted to the civil service.

MR. CASGRAIN: Who were the Griffenhagens?

MR. CHEVRIER: Ask the civil servants who they were. They were American experts, so-called, who at that time ruined the civil service. May I say in passing, that if there are so many difficulties to-day in connection with the civil service in the way of classification it is because the whole system of classifying the service was placed at the outset on a most unnatural basis by men who should never have been called in. The whole trouble to-day with the classification of the

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the civil service lies in the fact that it was placed on that false basis by men who should never have been called in, and government after government has been endeavouring to offset the harm done. The whole thing having been placed on an utterly improper basis, however, it is fearfully difficult to remedy the situation.

What do we find so far as guards are concerned? Let us take the industrial guard-baker. These are his qualifications:

Primary school education; at least two years of experience as a baker and ability to instruct others in bakery work;

Two years of experience as a baker--that is probably the best qualification set out in the whole book. The other qualifications are these:

---ability to understand and manage prisoners; strength and agility; honesty and sobriety.

You have the same sort of qualifications all through in the case of each of these positions; Industrial guard-blacksmith; industrial guard-brickmaker; industrial guard-carpenter; industrial guard-housekeeper (female); industrial guard (mail bag repairs); industrial guard-masons; industrial guard-miner; industrial guard-plumber, and so on.

Is it to be wondered that there may have been appointed as no doubt there were, men who have not given satisfaction in the discharge of their duties? But again I say, you must not blame the Civil Service Commission. An hon. gentleman says that it might be well for the superintendent and warden to be appointed by the minister himself. There is a good deal in that, and I have very often given matters of this kind serious consideration. But if it applies to a high officer, the superintendent of penitentiaries, and to wardens, why not apply it also to all other departments in the case of technical man. With that I have not very much quarrel; indeed, I have a good deal of sympathy with that proposition. At the same time however I do think that the

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best method is to give the Civil Service Commission the powers of selecting these men and to give them working capacity. If the commission were granted these powers they could fill such positions just as well as the minister himself.

There is another feature of this resolution which I do not like:

.....may appoint such guards, trade instructors and other subordinate officers and employees as are necessary, with such salaries as are approved by the governor in council.

That is not a fair proposition, that the governor in council should determine the rates of pay, because they might discriminate here and there, whereas under the Civil Service Act the rates are uniform and everyone knows exactly how much he is going to get, so that there is no favouritism. But here is another objectionable proposal:

And to make further provisions in respect to gratuities paid to officers on retirement and the widows or dependents of officers who die in the service.

After long years of toil we have been able to insert in the statute books of this country an excellent superannuation law for the civil service, a law which is not yet perfect but which has been of great benefit to civil servants. With a few more modifications it will be probably one of the best superannuation laws in the world. Why not bring these officers under that superannuation law? Let them be civil servants within the terms of the Civil Service Act and let the civil service law apply to them.

When the bill comes up for second reading and when it is in committee of the whole, I shall have a few more observations to make on the subject.

MR. W. J. GARLAND (ROW RIVER): I rise to oppose the passing of the resolution. I suggest that though the Minister of Justice made an

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excellent and plausible speech on introducing it, he has not yet shown the house full justification for this measure rather than an intelligent and rational amendment of the Civil Service Act and the appointment of a strong and effective commission. The minister closed his speech on a note of petulance with regard to the alleged delays of the commission in making appointments. They met, he said, and adjourned, and met and adjourned, and the country waited. I submit to him that this government is emulating only too well the dilatory characteristic of the Civil Service Commission. It would, I think, have been proper for the administration to appoint a new commission long before this late date. If the commission itself be at fault from the point of view of delays, this government is certainly setting it no good example.

I regret the introduction of this resolution because it is just one more of the many steps that I have seen governments of both parties take since I have come to parliament. Sometimes it is in the form of estimates and at other times it is in the form of legislation. Now it is a direct amendment of the Civil Service Act, still further emasculation the act, vitiatin g it, and estroying its influence in the country. It is not good enough for the minister to tell the house that he is in favour of the merit principle. That does not justify the resolution which is the opposite to the merit principle in so far as the civil service is concerned. There is no question in my mind that the passing of this resolution will lead to an amendment which will result in the restoration of the old type of patronage in penitentiaries. Nay, it will go even further than that; as has been pointed out already this afternoon, it will place the power of appointment in the hands of the warden or the superintendent. Step by step we see the Civil Service Act being

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destroyed. I wonder how many more governments there will have to be before it finally passes upon its sad way.

MR. MCGIBBON: It should have passed long ago.

MR. GARLAND: Both parties are to blame, for in both parties, as in the case of the hon. gentleman who has just interjected, there are those who have never believed in the Civil Service Act or in the merit principle as applied to political appointments. There has always been the frank philosophy that to the victor belongs the spoils.

In 1919 this country definitely changed that principle when it placed upon the statute books what I regard as perhaps one of the greatest contributing and constructive efforts ever made by any Conservative government, but this year, as well as last year, the present government is attempting to destroy the effectiveness of the Civil Service Act. It may be true that the act itself has not been wholly successful, but that is due largely to the fact that the administration of the act has not received at the hands of succeeding governments the full understanding and support of the principles upon which the act is supposed to be based. The minister who introduced this resolution has given to the house a general statemtn of the objections which have been raised to the methods of appointment. This is the first time I know that the character of the men nominated under the present method has not been up to the mark. Warden Ponsford of Kingston penitentiary has remarked that the substitution of the merit for the p patronage system in penitentiary appointments has been the great single step yet taken to effect improvements in the present system in Canada. If improvements are necessary, they should be made but they should not be made by destroying the machinery which a previous parliament has set up and which requires only the necessary enlargement or modification to make it work adequately. The fault in the administration

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of the act lies not in the principle underlying the act but in the way in which that principle has been modified, qualified, sumerged and crushed out of existence by the politicians of both parties. I do not place the blame in this regard upon any one party. I have mentioned warden Ponsford but I wonder if the minister has studied the evidence given by General Hughes before a civil service committee of this house. In reply to a query by a them cabinet minister as to whether he would prefer to select men for prison guard work or have the selection made by the Civil Service Commission, General Hughes said, "I would prefer they would do it, very much". The evidence continues:

Q. Why?
A. Under the system in which they appoint them it gives our warden practically full control over them, because it gives our warden an opportunity to see whether they are satisfactory to him or not, and if they are not he has only to let them go. Under the old system if we were saddled with a bad man, we would have to keep him.

General Hughes stated that if they were saddled with a bad man, they had to keep him because otherwise they would offend the committees of political patronagemongers who were involved in the appointment. The evidence continues:

Q. Under the system none of the officials of the government has power to dismiss him?
A. I would say not that.
Q. What would you say?
A. You could not dismiss a man unless you had something on him.

And again:

Q. Is it the policy and the purpose that men shall join the penitentiary services at the bottom and that thereafter as far as possible all higher positions shall be filled from the men in the penitentiary service?
A. That is the only sensible policy.
Q. Do you support it?
A. Yes, and we are able to pretty well work that out in so far as our discipline of the staff is concerned under the Civil Service Commission, but we never were before. May I tell you something? Some years ago we had a deputy wardenship vacant in one penitentiary.
Q. Where?
A. Please don't ask me where. And the Minister of Justice who was then in charge, is now dead. He sent for me to ask me something or another about the duties of the position. I was taken here to the red room in the Senate where I had an hour or so private conversation with him, and he said to me: "They ask me for a commission to make

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some vacancies in order to give them an opportunity to let some of their political followers get a job. They got a commission and they made eleven (if I think correctly) vacancies, and the first thing the executive, the political executive of the town in which the penitentiary was situated, did was to recommend me a green-grocer for the position of deputy warden."

Q. A grocer in the business of selling vegetables?

A. I am repeating exactly as he made the statement to me.

That is the kind of thing which happened under the old patronage system but no complaint of a similar character has been lodged since the enactment of the Civil Service Act. At the present tiem I think there are six employed. At the time General Hughes was giving evidence there were seven penitentiaries with 416 employees. Those employees took care of 2,340 inmates while the present 965 employees take care of 4,164 inmates. The type of guard employed should be of the highest possible quality and this resolution proposes that the superintendent upon the recommendation of the warden shall have the appointment of guards and those to fill other minor positions. At the present time the warden recommends the appointment of a guard in which the Civil Service Commission concurs. We are simply supplanting the Civil Service Commission with a politically appointed superintendent.

MR. GUTHRIE: That is not right.

MR. GARLAND: Any appointment made by a government is a political appointment.

MR. SPENCE: Try and get one in somewhere.

MR. GUTHRIE: The present superintendent was appointed by the Civil Service Commission.

MR. GARLAND: I am not talking about the present superintendent, I am talking about what is going to happen if this resolution should pass. We will have politically appointed superintendent pasing upong recommendations for appointment made by the wardens. The thing is perfectly absurd. I believe the minister is sincerely interested in

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the merit principle but I appeal to him to offset any complaints made as to the administration of the act by the strengthening of the act and by placing upon the commission those men who are best qualified to fill the position.

The records of this house show that in the past we have not been wise in these appointments. We are inclined to blame any maladjustments or misfits in the service on the Civil Service Commission and on the Civil Service Act itself, when we should really blame it on the personnel of the commission. In closing these brief remarks at this stage of the discussion I would draw to the minister's attention the words of his own leader the Prime Minister of Canada, then in opposition speaking on September 30, 1930.

Mr. E. J. GARLAND: Mr. Speaker, when I was so rudely interrupted by representatives of another place I was just about to quote the words of the Prime Minister. In respect of civil service matters he is reported as having said:

By personal investigation I have come to the conslusion that the fair way to deal with the civil service is, first, to appoint to the Civil Service Commission a member of the civil service;

Well, he has had two whoel years to do it---he has really had three, but certainly he has had two since the house decided it was time to get rid of the old commission. Then, to contine the report:

Second, to maintain the merit system and rigidly adhere to it, something the present administration has not done.

I most assuredly say that this bill, and the action of the committee on civil service matters of last year would indicate that the Prime Minister and the government is not at all averse to further despoiling the Civil Service Act and disregarding the merit system in regard to civil service appointments.

I most earnestly urge upon the minister that he reconsider the whole matter and not press the resolution to a vote, much less introduce a bill this year.

MR. THOMAS REID (NEW WESTMINSTER): Mr. Speaker, I am rising at this time to oppose the passage of the measure. Icertainly am opposed to any departure from the merit system. No matter what fault may be found with it, or no matter what fault hte minister may see in it it is still the better system. I maintain if there are any defects in the present civil service appointments, they should be remedied. To leave appointments entirely in the hands of one man would be a retrograde step. I am not sure whether the minister is perfectly correct when he says that in the past the warden had no say regarding appointments. The minister told the house that the list was first selected by the Civil Service Commission, and that from the list,

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according as the men were rated, appointments were made. I think that is hardly correct, because I know of men who did apply, and although they had thenecessary civil service requirements, it had been found by the warden that there was something against them or that they were not suitable. I know that on the advice of the warden those men did not receive appointments. Speaking particularly for British Columbia, I believe the wardens have had a keen eye on the appointments ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ made by the Civil Service Commission. I doubt very much if men were given appointments just because they were the proper height and had the necessary educational qualifications. My information is that the warden sixes up the men, and that he has been in the habit of sending recommendations along with the list stating that Jim Hones would be eligible but that Sam Hill would not and so on. It is easy to see what may happen if the proposed legislation becomes effective. I do not believe for a moment that it is the intention of the present minister that this should take place, but it could very well be that a warden could dismiss half or the whole of the men there and then hire otheres. It may be well that the warden himself could lose his position and a military man be put there, and that he could or would employ all military men. Complete new staffs could be appointed if this resolution went through as proposed by the minister. There might be also wholesale dismissals. Then another point; if there were wholesale dismissals, what about those men who have been paying to the superannuation fund less than ten years? There would be difficulty and hardship regarding that. It might be possible that military organizations could be put in charge of a penitentiary, and the procedure might even go to the extent of appointing visiting commonwealth forces to take charge. And further, say, a military man was given an appointment in a penitentiary, he

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might deem it advisable, if one of the commonwealth forces were in this country, to have the force for the time being incharge of the penitentiary. That is a possibility. Anything could happen. There is no restriction of any kind as long as it meets with the approval of the minister of the warden.

Then the minister spoke about the course of training, and mentioned the old country. I think training is very desirable. But the course of training would not amount to much if a new warden were appointed and wanted to dismiss most of the men in the organization. The fact that they had experience would not count for much if they did not meet with approval of the warden who had been appointed.

There are other requisites besides courage, Courage I know is very important, especially during those times when we are dealing with a class of prisoner which is inclined to be revoluntiary if one should use that expression. But something more than punishment should be kept in view in confining men in penitentiaries. There is also the matter of endeavouring to fit them for reestablishment in civil life. A guard or instructor may have courage, he may have military training, but that would not mean that he would have any kindliness towards the prisoner. At this stage I do not intend to say any more but I am certainly going to oppose this bill because I think it is a retrograde step. Many hon. members on the other side when they were in opposition voiced their objection to anything tending to a return to patronage, but now it seems, according to their "hears hears," that it would be all right. I do not understand how they can reconcile the two positions.

MR. H. W. GRAY (WEST LAMBTON): I rise to say a few words in opposition to this resolution, because it is another step towards taking away from the returned soldiers the preference provided for them in the

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Civil Service Act. They have had this preference for a number of years, and certainly there is no one who has complained of it. We had evidence a few days ago that this government is prepared to go a long way in cutting down the privileges of returned men, when, in introducing the budget, it announced that those in the civil service drawing pensions would have their pensions stopped. In this ~~xxxxxx~~ ~~xxxx~~ resolution we find it carried another stage, the government will be able to appoint whom they will without regard to the preference provided in the Civil Service Act for returned men. It is whithin my recallection that last year or the year before when certain postmasters were allowed to be appointed outside of the Civil Service Act we retained the preference to returned men. So may I urge upon the minister that when he introduced this bill he insert a clause giving to the returned men the preference provided in the Civil Service Act. I think that is fair and will meet with approval of this house and the country generally. I urge that upon the favourable consideration of the minister.

MR. ANGUS MACINNIS(VANCOUVER SOUTH): Mr. Speaker, I wish also to protest against the passing of this resolution and the bill that will be based upon it. There are two methods by which appointments to the civil service of this country can be made, one the patronage system, which we had prior to the appointment of the Civil Service Commission, the other appointment by merit, which has been more or less in effect since the setting up of the commission in 1919. However, every year since that time various groups have been taken from under the control of the Civil Service Commission, and this is an attemp to take yet another group away.

We can well understand the position that the Minister of Justice finds himself in at the present time; owing to the

MR. A. MACINNIS:

difficulties of the times a great strain is being put upon the penitentiaries and those who conduct them. There is nodoubt about that. Possibly they find the situation difficult to cope with. But it does not at all follow that the method of appointment of the staff is the cause of the difficulty, and it does not at all follow that if the appointments are made in some other way the difficulties will be removed. I maintain that if appointments made at the present time are not satisfactory the wardens are to blame, and that the situation will not be improved if more power of selection is put in the hands of the wardens.

When applications are received by the commission they are considered by an advisory board, on which the penitentiary branch is represented. Obviously unqualified applicants are eliminated, and those whom the board recommends as apparently suitable are called up for oral examination, at which examination the warden of the penitentiary concerned is in attendance. The board recommend the candidates whom they find qualified. Up to this time the warden has in every instance concurred in the findings of the oral examination board, which consists of himself, a representative of the Civil Service Commission, and, in cases where the applicant or any of them are veterans, a representative of the Canadian Legion. So that if the guards or any of the employees engaged have not been of sufficiently high standard it is due to the wardens themselves certifying as suitable men who are unfit. Besides, there is another safeguarding clause, that the person selected may be dismissed any time with six months of his appointment; so the superintendent may have opportunity of ascertaining the fitness or otherwise of the person so taken on before his appointment becomes permanent. I believe that gives all the opportunity possible for the selection of properly qualified guards in the penitentiaries. However, I should like to point out that

MR. A. MACINNIS:

If the commission does not function as it should, or as we think it should, I believe the commission could be improved. Last year I had the honour to be a member of a special committee of this house that investigated the Civil Service Commission and, as has been said already, recommendations were made by that committee suggesting the retirement of that commission and the appointment of new members. Up to the present time this has not taken place.

There is another point to which I should like to direct attention, and I believe this is one of the most serious matters facing the people of this country. I refer to the statement of the minister that the staffs of the penitentiaries should be considered as semi-military. My understanding is that penitentiaries are places where men who have been tried by civil courts, under civil procedure, are placed for safe keeping or correction. The extension of militarism in this country is going on apace. One day we have the appointment of mounted police as truant officers; then we have their appointment as game wardens, and now we are to have our penitentiaries militarized. Soon I am afraid the civil courts may be abolished and we will have military court martials instead of the ordinary civil procedure if this government remains in powere much longer.

I protest against this move, because I do not think it is necessary. I believe the Civil Service Commission is the body best qualified to make appointments to any part of the civil service.

MR. JEAN: I should like to ask the minister a question before making up my mind in connection with this resolution. Will the act provide for a bilingual superintendent and bilingual officers so far as the province of Quebec is concerned?

MR. GUTHRIE: I should say yes.

MR. JEAN: Even with regard to the superintendent?

Mr. Guthrie; Yes.

MR. ARTHUR BENOIT (ST. DENIS) : Mr. Speaker, the resolution under consideration is certainly worthy of our attention, and had it to a greater extent pledged the responsibility of the government, I would have been disposed to congratulate them. I think that the hon. Minister of Justice (Mr. Guthrie) should have assumed the responsibility of appointing not only the superintendent of penitentiaries, the inspectors, wardens and deputy wardens, but also the guards and other employees.

According to the views expressed in this respect, some members are under the impression that the hon. Minister of Justice, by this resolution, wishes to set aside the system of appointing officers according to their qualifications. I think that the merit system in respect to guards can be applied just as well by an official of the department as by outside officials who are not connected with that department. It behooves ministers to assume full responsibility for such appointments. Reference is made to favoritism, it still exists under the Civil Service Commission, however, it is concealed. The time has come when all such hidden practice should disappear in the administration of public affairs, we should ~~xxxxxxxxx~~ proceed openly. Ministers of the crown should assume the responsibility of appointing the officials of their departments, and later on when called upon, give an account to the people of such appointments.

As far as I am concerned, I would approve of this resolution, if its powers were more extensive, and I trust that when the bill comes before the committee, certain amendments will be introduced in order to allow the minister to assume the responsibilities which are incumbent to his office and later on give an account of it to the people.

MR. CAMERON R. MCINTOSH (NORTH BATTLEFORD): I should like to ask the minister if he has received the commendation of the civil service federation in connection with this measure.

Mr. GUTHRIE: Am I at this stage entitled to speak again?

Mr. SPEAKER: The house is not now in committee. Hon. members speaking to the resolution may do so only once.

MR. MCINTOSH: Then may I say that so far as I am concerned I have learned of a good deal of opposition to the move the minister is contemplating, and that opposition comes from practically every civil servant in the riding of North Battleford. These civl service locals have asked me to make the minister aware of this fact. I am doing so to-day; I am giving that echo of opposition to the minister in the hope that he may decide to change the bill even at this late date.

So far as this measure is concerned, Mr. Speaker, I believe it will be detrimental to the civil service in general. We have no national civil service council; no constitution for such a body has been worked out or put into effect. So, while this action will meet with much opposition, that opposition will not be so strong as it would have been if this national council had been in existence. Therefore, in opposing the move of the government, I am expressing the opposition of civil service locals in the federal riding of North Battleford.

MR. HUMPHREY MITCHELL (EAST HAMILTON): I should like to read one or two opinions into the record in connection with the resolution now before the house. I am not convinced that the Minister of Justice made out a case for the transfer of the responsibility for these appointments from the Civil Service Commission to the superintendent and the wardens of the penitentiaries. I have before me a report in connection with the recent disturbance in the Kingston penitentiary. In the conclusions drawn in that report there is no recommendation of

[illegible] 20, 1955, contd.

Mr. [illegible] H. McIntosh (North Battleford): I would like to ask the minister, if he has received the recommendation of the coast service commission in connection with this measure.

Mr. MARTIN: May I at this stage be entitled to a short reply.

Mr. SPEAKER: The house is not now in committee. Mr. [illegible] to the resolution say no as only once.

Mr. [illegible]: Then may I say that so far as I am concerned I have learned of a good deal of opposition to this were the minister or the [illegible] government.

[illegible] have saved me to make the minister aware of the fact. As an [illegible] to-day; I am giving that some of opposition to the minister if he [illegible] that he may decide to change the bill even at this late date.

So far as this measure is concerned, Mr. [illegible], I believe it will be interpreted to be a civil service measure. There is no national civil service council; no constitution for such a body has been worked out to the last effect. Mr. [illegible] in conclusion will not to so a [illegible] will meet with some opposition, that opposition will not be so great as it would have been if this building I proposed had been in existence. In opposing the [illegible] the government, I am [illegible] the opposition of civil servants to locate in the general [illegible] of North Battleford.

Mr. [illegible] (Lac [illegible]): I should like to ask one or two questions into the record in connection with the resolution now before the house. I am not convinced that the minister has [illegible] made out a case for the transfer of the responsibility for these appointments from the Civil Service Commission to the government and the words so [illegible] [illegible] an a report [illegible] with the recent disturbance in the Kingston penitentiary.

MR. H. MITCHELL:

any kind that might lead the government to adopt this policy.

The minister said that these guards should be considered as a semi-military body. We must appreciate this fact, that the discipline of a military body has been buitl upt with hundreds of years of back-ground. I am not convinced that, should his policy be adopted we shall not very soon have once more the old state of political patronage. I have here a statement made by the superintendent of penitentiaries for the fiscal year ended March 31, 1926. At page 15 he has this to day:

> The greatest drawback to our Canadian penitentiaries in past years, before the Civil Service Commission made appointments, was by the appointment of wardens and other administrative officers, without any experience or training in penitentiaries or knowledge of the criminal and his methods....All that was necessary was that they required the position and it suited those in power to appoint them.

With further reference to the question of political pressure in connection with the appointment of officers to the penitentiaries, I would read part of an interview which appeared in Collier's Weekly, as copied in the Ottawa Citizen of February 23, 1927. Mr. Willaim G. Shepherd, a special representative of that American magazine, interviewed the superintendent of Kingston penitentiary for the purpose of comparing American and Canadian prison methods. After outling the state of affairs in the country to the sout of us, where politics rather merit predominated in the appointment of officials to the penitentiaries, he asked the question, "Are affairs like that in Canada?" The interview goes on:

> "I'm glad you asked me that," said the Canadian superintendent. "there was a time here when wardens had to accept the guards who were sent to them. Politicians picked the guards."
>
> "I remember, years ago, a guard who was put into a penitentiary position by a powerful politicism. He was an ex-inmate, with a long, bad record. But the politicism insisted, and a certain warden had to make a place for him. As was anticipated, withing a few months the ex-inmate yielded to the temptation to handle money for prisoners."

Mr. H. MITCHELL:

"I saw that, no matter how good our plans might be for turning our penitentiaries into factories where we could turn out good men as well as good factory products, we would have to have honest guards, under the absolute rule of honest wardens."

"To-day our officers are selected by the Civil Service Commission. Their standard is high."

I verified this at Kingston penitentiary. I have never seen, in any American prison, such clean-cut young men in the corridors of any American prison, as I saw about the Kingston institution.

I have been in American prisons where wardnes did not dare to discipline certain of their own guards who were special pets of powerful politicians, No wonder they were failing the effort to run their prisons in orderly fashion and to discipline prisoners when necessary.

In Kingston penitentiary, under the superintendent's direction, which extends to all penitentiaries in Canada, Warden Fonsford exerts, it seemed to me, even more discipline over the guards than he does over the prisoners themselves.

"If you ask me," explained the superintendent, "to say what is the greatest boon toward advancement that has taken place in connection with management of Canadian penitentiaries, I would have to say: The change in themethod of appointment of officers; in other words, the taking of the authority to appoint out of the hands of the local politicians and placing it under the control of the Civil Service Commission."-- William G. Shepherd in Collier's Weekly.

I think that substantiates the statements of hon. members who have spoken in opposition to the principle of this measure. Last year we saw that nearly four thousand men who had previously been under the jurisdiction of the commission were placed within the purview of party patronage, and I am not so sure that the policy which the government contemplates will not work in an entirely opposite direction to that which the minister anticipates. I am absolutely opposed to the proposed change in policy.

MR. SPEAKER: Shall the motion carry?

MR. MACKENZIE KING: On division.

Motion agreed to and the house went into committee on the resolution, Mr. Smoke in the chair.

MR. MACKENZIE KING: Can the minister give an estimate of the number of officials who are likely to be affected?

MR. GUTHRIE: I do not know that anyone can estimate how many are to be affected, nor do I know that any retirements are contemplated. I know that within the past three months a number of inefficient officials have been retired for the greater efficiency of the service. I do not think that at the present time there is any particular case in contemplation at all. Permit me to say that I think the suggestions which have been rather extravagant.

It has been suggested that if this bill is passed as drawn it will be withing the power of the superintendent and the wardnes practically to retire the whole staff and appoint a new one. To my mind that is an unreasonable suggestion. This proposal gives power t the superintendent and the warden to appoint all the minor officials, the administrative officials in the penitentiary itself. I submit that this is an endorsation of the merit and not at all of the political system. The warden will be the man at first responsible for applications and passing on the applicant, and if the applicant passes muster with him he will be put on for temporary appointment only until he has been tried out and approved by the superintendent.

The proposal of the superintendent in regard to guards is as follows. When a man has been accepted he shall undergo a course of training, that training to take place during his employment in the penitentiary establishment. It will last from three to six months before he is considred a fully equipped guard. That I believe is the term of instruction in Great Britain. It is also suggested that for the purpose of giving these guards training the wardens shall hold classes in the institution at the outset. One of the greatest deficienties in the present guards is their lack of familiarity with ordinary rules and regualations of the institutions. Many of them who have been there for a considerable time are not yet fully up on their own regulations. Another thing which in the opinion of the superintendent

Mr. Gordon: I do not know that anyone can anticipate how many are to be affected. One does know that many recidivists are contemplated. I know that within the next three months a number of inefficient officials have been retired for the greater efficiency of the service. I do not think that at the moment the time is ripe for any wholesale case of retrenchment at all. Should one, at any rate, I think the suggestion would have been not an extravagant.

It has been suggested that if only the Bill is passed as drawn it will be entirely the power of the superintendent and the warden successively to retire the whole staff and appoint a new one. It may mean that is an unfortunate suggestion. He is granted given power to the superintendent and the warden to appoint all the minor officials, the administrative officials in the penitentiary itself. Surely that is a an improvement of the merit and not at all of the political system. The warden will be the man at first responsible for appointment and dismissal, and the superintendent, and if the applicant passes inquiry which him he will be put on for temporary appointment only until he has been taken out and approved by the superintendent.

The proposal of the superintendent in regard to parole is as follows. If a man has been accepted he shall undergo a course of training, that training to take place during his employment in the penitentiary establishment. It will last from three to six months before he is considered a fully equipped guard. That I believe is the term of instruction in Great Britain. It is also suggested that for the purpose of giving those people training the wardens shall be allowed to employ inefficiency of the present guard staff in the penitentiaries in the meantime pending in their lack of qualificity with rules and regulations of the institutions. Many of them who have been longer than [illegible] are not fully up to [illegible]

MR. GUTHRIE:

is very important is the lack of any training in the use of firearms. The superintendent, who of course has been trained in military work, has told me that on visiting various institutions he found that very few guards had any knowledge whatever of firearms. He said it was dangerous to be with them when they tried to explain an ordinary rifle or to load it. Many do not know how to load a rifle. We have had one or two accidents in the penitentiaries--I do not mean in the riots--in connection with the use of firearms by guards. They are almost totally inefficient in that respect. Firearms are dangerous things and some training their use is necessary. It is anticipated that the Department of National Defence will be in a position to let us have the loan for a limited time of certain instructors to instruct the guards in the various penitentiaries at least in the elementary principles of the use of firearms. The wardens themselves will conduct classes with regard to prison regualations and special guards will be appointed to see that new guards are properly instructed inthe handling of prisoners. After a probationary term of from three to six months it can be decided whether or not the proposed guard measures up to the requirements.

It was rather a surprise to me to find out that both the wardens and the superintendent placed considerable emphasis upon the guards and other minor officials in the prison establishments. It was found during the recent riots in Montreal, in Kingston and in New Brunswick that many of the guards were quite unable to cope with situation confronting them. They did not know what to do. A fire took place at St. Vincent de Paul and it was found that there had been little or no fir drill in that institution. There had been practically none at Kingston but fortunately no fire occurred there. These are matters to which the superintendent attaches great importance.

MR. GUTHRIE:

Apart from all this, there is the safety of the prisoners themselves. A reckless or careless guard may do things in a moment of excitement which he would not do therwise. As I say, there have been one or two instances where lives have been sacrificed by the careless use of weapons by guards. It is felt by the higher officials that the best system is that proposed by this measure. I expected that the cahrge would be levelled that patronage was breaking into this matter, but I think I ma within the mark when I say that there is absolutely no patronage in the case of the monted police. If we can have an establisment in our penitentiaries comparable to the mounted police, to my mind we would have almost an ideal system. It has been suggested that under the present system the wardens select the guards. That is not so, The wardens know that they have not that power and in most cases their examination of the prospective guards is rather perfunctory and not as complete as it should be. It was discovered recently that we had taken on tow active communists as guards in one of our penitentiaries.

Mr. LAPOINTE: Were they appointed by the Civil Service Commission?

MR. GUTHRIE: They were placed upon the eligible list by the commission. Of course, they were immediately released. I do not say that the same thing will not happen in exceptional cases under the system now proposed, but the object of this measure is to improve the morale, the discipline and the welfare of the prisoners, as well as the prisons themselves. It is intended to do this with a merit system entirely divorced from political patronage. That is the reason why this rather exceptional power is to be given to the wardens and the superintendent instead of to the governor in council.

A moment ago my hon. friend from North Battleford (Mr. McIntosh) asked whether the Amalgamated Association of Civil Servants

MR. GUTHRIE:

supported this measure. I received a communication from a Mr. Knowles--I believe he is the secretary of the association--protesting against this measure. Through the efforst of Mr. Knowles I received similar protests shortly afterwards from civil servants in almost every quarter of Canada. They seem to imagine that they are a law unto themselves and that the Civil Service Commission is their sheet anchor. They seem to think that no one can offer an amendment to the present system without their consent. I do not agree with that. The penitentiary officials are not members of the Amalgamated Association of Civil Servants; they have never been admitted to and have never desired to join with that association. Practically all the resolutions which I received were the same and probably they were drawn up in Ottawa and sent out through the country. I have great respect for the civil service of Canada but I do not think that they should dominate the judgment or will of this parliament. I take them for what they are worth, as representatives of an interested body, but if I feel that I can improve the system, I am quite willing to do so even at the risk of offending the Amalgamated Association of Civil Servants.

MR. MCINTOSH: The minister will admit that the representatives of the civil servants have a perfect right to protest to the department in connection with a policy of this kind?

MR. GUTHRIE: I certainly do, and I have acknowledged receipt of their protests. There are many positions in the governmental service which are not under the jurisdiction of the Civil Service Commission. The late government, I think with the assistance of may vote, appointed a large number of preventive officers. I think there were some six or seven hundred such officers, thee hundred and fifty of which are now in the mounted police. None of these men come under the Civil Service Commission. In the department of National Revenue there

Mr. [illegible]:

[illegible] period I am sure. I received a communication from a Mr. [illegible] I believe he is the secretary of the [illegible] Association [illegible] the measure. Through the efforts of Mr. Bowles I received another [illegible] stating either a Non civil service in almost every number of cases. They seem to indicate that they are a low [illegible] and that the Civil Service Commission is their [illegible] They seem to think that no one can offer an amendment to the measure [illegible] without their consent. I do not agree with that. The [illegible] officials are not members of the unorganized association of civil servants; they have never been admitted to that [illegible] which I received were the same and usually they come down to [illegible] and sent out through the country. I have great respect for the civil service of Canada but I do not think that they should [illegible] judgment or will of this Parliament. I take them for what they are worth, as representatives of the interested body, and if I feel that I can improve the system, I am quite willing to do so even at the risk of offending the unorganized association of civil servants.

Mr. McCUTCHEON: The minister will admit that the representatives of the civil servants have a perfect right to protest to the department in connection with a policy of this kind?

Mr. McGILL: I certainly do, and I have acknowledged receipt of their protests. There are many positions in the commercial service which are not under the [illegible] Civil Service Commission.

[illegible] executive officers. A which there were [illegible] officers, three hundred and fifty of which [illegible] police. Some of these men come under the

HON. Hugh Guthrie:

is a large staff of appraisers who are not appointed by the commission. There are a large number of employees in the Deaprtment of Finance in a similar position. The employees of the Soldier Settlement Board and of the department presided over by my hon. friend the acting Minister of Immigration (Mr. Gordon) are not subject at all to the Civil Service Commission. The members of the military forces and the mounted police, the employees of the tariff board, the radio commission and the research council also do not come under the commission. There is no new departure suggested by this measure. This organization is more a police than a civil organization and there is every reason why some latitude should be given to these prison officials. For these reasons I think I can fairly ask that this measure be passed by the committee.

MR. CHEVRIER: When the committee took recess the hon. Minister of Justice had given further explanations about this resolution, and among other things he siad that the reason why this resolution was introduced upon which later legislation may be based was that it had been found with regard to the penitentiary guards that there was a lack of knowledge of the rules of the penitentiary, a lack of knowledge of firearms, and a lack of knowledge of the care of prisoners. That may all be true, and with that I have no quarrel, although it would be unfortunate if it were so. But I say that the responsibility for that condition is misplaced. As I pointed out this afternoon, these appointments were made by the Civil Service Commission, and they made the appointments under the conditions I pointed out. The Civil Service Commission measured the qualifications of these men by a measure which had been given them, over which they had no control, and if that measure was defective in producing the type of man required it was no fault of the Civil Service Commission. This resolution is

[illegible]

[illegible]

[illegible]

MR. CHEVRIER:

introduced, the minister says, for the purpose of appointing men of certain qualifications. These men will be appointed, he says, and thereafter the warden will give them lectures on the observance of rules; they will be trained in the use of firearms, and given certain information about the care of prisoners. But all that could be done now. All that needs to be done now is to say to the Civil Service Commission, "The rules under which you have been operating have been found wanting. These rules have been defective. Hereafter we want you to appoint men of a certain claibre, and here is the standard by which you will have to measure these men." So I say let us change the rules under which these men are appointed, and let the Civil Service Commission continue to appoint them according to the new standard. All that need be done hereafter could be done right now in that way. The minister will understand, I trust, that I am not syaing this in any offensive way because I think he knows the esteem I have for him, but he will have to use more convincing logic if he wants even to attempt to convince me that the step he is now taking is in the right direction.

Resolution reported, read the second time and concurred in. Mr. Guthrie thereupon moved for leave to introduce Bill No. 59, to amend the Penitentiary Act.

Motion agreed to and bill read the first time.

Mr. Jo. Lisc, cont'd.

Mr. C. Vr. :

indebtedness, the minister says, for the purpose of appointing ten or
twelve qualifications. These men will be nominated, he says, and
therefore the writer will give them lectures on the e exercise of
rules; they will be trained in the use of firearms, and given certain
information about the care of prisoners. But all that would be done
now. All that needs to be done now is to say to the Civil Service
Commission, "The rules under which you have been operating have been
good working. These rules have been defective. Therefore we must
put a complete end of a certain clause, and here is the standard
on which you will move to measure those men." So I say let us change
the rules under which these men are appointed, and let the Civil
Service Commission [illegible] to the new
standard. All that need be done here under cover is done right now in
that way. The minister will understand, I trust, that I am not saying
this in any offensive way because I think he knows the reasons I have
for him, but he will have to use some convincing logic if he wants
some to assent to convince us that the step he is now taking is in
the right direction.

Mr. Lisc (Kootenay), read the second time and referred to
Committee of Supply.

Mr. C. Vr. moved for leave to introduce Bill No. 60, to amend
the Coal Mines Regulation Act.

Motion agreed to and Bill read the first time.

SUPPLY.

PENITENTIARIES.----amount required for cost of administration, construction, purchase of land, supplies and equipment, maintenance and discharge of inmates at Kingston, St. Vincent de Paul, Dorchester, Manitoba, British Columbia, Piers Island, Saskatchewan and Collins Bay penitentiaries, $2,941,400.

MR. LUCAS: Would the minister explain the decrease in this item?

MR. GUTHRIE: We have, as is known, a very large increase in our penitentiary population, but by cutting down our expenditure program in the way of buildings we are able to show a decrease in the vote this year. I suppose it is well known that in regard to construction in the penitentiaries a very large part of the work is done by prison labour. One difficulty is to find enough suitable work for prisoners to do. The work is not in all cases what you might call skilled labour, and therefore it is done more slowly perhaps than if it were done by contract in the ordinary way. We purpose curtailing building operations to some extent, in order to lessen our expenditures during the present year.

MR. LUCAS: What part of this vote is for administration purposes?

MR. GUTHRIE: I can give the figures for last year; the figures for this year will be about the same. The number of prisoners last year was 4,164, but on account of the Doukhobors the number has been increased to above 5,000. There were 740 employees on the staff, now increased to about 900. The total expenditures last year for administration, salaries and the like amounted to $93,634; the figure this year will be slightly increased, although I have not the figure before me.

MR. HEAPS: What damage was done during the recent riots?

SUPPLY--PENITENTIARY.

Mr.LAPOINTE: If the minister will permit me, I should like to say that there are many hon. members who want to speak on the penitentiaries item. I believe this is the only place in the estimates where such a discussion could take place and---

MR. GUTHRIE: As a matter of fact I had not intended calling this item.

MR. LAPOINTE: I ask the minister to let the item stand.

MR. GUTHRIE: I intended to call the civil government item, but someone called for item 43.

ITEM STANDS.

PENITENTIARY ACT.

HON. HUGH GUTHRIE: Moved the second reading of Bill No. 59, to amend the Penitentiary Act.

HON ERNEST LAPOINTE: I did not take part in the debate on the resolution which preceded this bill, Mr. Speaker, because I am largely in sympathy with the object which it seeks to attain. There are one or two clauses in the bill, however, to which I think I must register my dissent, and of course I could not foresee those when the resolution was before the house.

With regard to the appointment of wardens, deputy wardnes and guards, I must confess that I have always held the opinion that such appointments should not be made by the Civil Service Commission. Speaking in this house in 1925, as will be found at page 1284 of Hansard for that year, I said:

> I am responsible for what happens in the penitentiaries of Canada at the present time. I am responsible if there are evasions; I am respons ble if there is a rebellion in a penitentiary anywhere; and I think it is not fair that the wardens and the deputy wardens, the main officers, and even the guards in the penitentiaries, should be selected under a system of competitive examination. It is absurd. I think that penitentiary work shoudl be compared with the work of the mounted police or even of the militia. In the penitentiary the work that is to be done by the guards, and very often their lives are in jeopardy, depends for its success more on the character and the temperament of the man than on what they may happen to know about geography or arithmetic or anything else. This conviction I have formed during the year and a half in which I have been at the head of the administration of the Department of Justice. I believe in control by the Civil Service Commission when it is a case of appointments in connection with ordinary departmental work, but I do not think they are qualified to select the men to condutt the penitentiaries.

I am still of this opinion, and I am quite willing to support that part of the bill which gives to the governor in council or to the minister the responsibility for the appointment of the wardnes and guards for the reasons I expressed at that time. This bill however, goes much further; under section 2 even the clerks and

HON. ERNEST LAPOINTE:

and employees in the penitentiaries branch of the department will be removed from the control of the Civil Service Commission. They are to be appointed and their salaries are to fixed by the governor in council, without regard to the classification of the Civil Service Commmission, to which the Civil servants in all the other departments are subject. I do not see any reason why the stenographers, clerks or other employees in the department here in Ottawa should be considered in the same category as wardens or guards who have to deal with the inmates of the penitentiaries. This is removing from the operation of the Civil Service Act a class of employees who certainly should remain under it.

When wer were considering amendments to the Civil Service Act last year I remember that the report of the committee contained a recommendation to the effect that there should be a standing parliamentary committee on civil service, to deal with alll civil service matters and with such changes as are suggested by the present bill. I do not understand why this recommendation has not been acted upon and why this proposal was not submitted to such a committee before being submitted to the house. I would ask my hon. friend not to persist in his intention to take away from the control of the Civil Service Act the ordinary employees of the penitentiaries branch. Sofar as the rest of the bill is concerned I am quite ready to support him.

MR. A. E. ROSS(KINGSTON CITY): In connection with this bill I pointed out a year ago, and I also went to the committee considering the matter a communication to the effect, that these appointments were not being made by the Civil Service Commission. The names of fifty per cent of the guards at Portsmouth penitentiary have never been submitted to the Civil Service Commission, and those that have

and employees in the [illegible] or branch of the department will be
removed from the control of the Civil Service Commission. They are
to be [illegible] and their salaries are to [illegible] by the government in
so doing, without regard to the classification of the Civil Service
Commission, to which the civil servants in all the other departments
are subject. We do not see any reason why the stenographers, clerks or
other employees in the department here in Ottawa should be [illegible]
in the same category as women or persons who are to [illegible] the
duties of the postmistresses. This is removing from the operation of
the Civil Service Act a class of employees who certainly should come
under it.

Then we were a [illegible] second note to the Civil
Service Act last year I remember that the report of the committee
contained a recommendation to the effect that there should be a
[illegible] preliminary examination on civil service, to deal with the
civil service matters and with such questions as are supposed to come
under it. I do not understand why this recommendation has not
acted upon and why the proposal was not considered to such a [illegible]
before [illegible] to the House. I [illegible] [illegible]
to suggest in his introduction to this [illegible] from the control of the
Civil Service Act the [illegible] of the [illegible]
branch. Surely as the head of the Civil Service Commission I [illegible]
to support him.

Mr. A. A. [illegible]: In connection with a Civil
Service Act [illegible] year ago, and a [illegible] the committee considering
the matter [illegible] to the effect, that there [illegible] should be
[illegible] under the Civil Service Commission. The [illegible] of
[illegible] of the [illegible] of [illegible] [illegible]
[illegible] to the Civil Service Commission, and [illegible] have

MR. A. E. ROSS:

been submitted have always been on the recommendation of the warden. No matter what objection is amde to my statement, I know what I am talking about, and I know that these guards had to see the warden to have his approval, they had to have their examination, and then they were submitted by the warden to the superintendent. I will admit that many of them were pigeonholed at the time and never reached the Civil Service Commission, but those who were recommended did go forward with the approval of the warden.

I contend that last year the only function the commission performed in connection with these cases was this. When these names were submitted as those of men eligible to the civil service, the commission questioned the preference, first as to whether they were returned men and secondly whether they had disability. I understand that the preference is to continue and in that case there is a difficulty now. In what way will the warden, at the time he recommends a guard, know what his preference is or whether he has had a disability? It will not do merely to state it on his application. It must be obtained in s me way, and that was the only function the Civil Service Commission ever discharged in regard to the appointment of these guards and officers.

Last year I opposed this precedure because we were sailing under false colours at the time, believing that the commission made these appointments, whereas they only put their stamp upon them after a certain investigation on the part of the Department of Pensions and National Health. At present there are sixty guards in Portsmouth penitentiary. The names of these men have never been submitted to the commission, unless it be within the last two weeks, and I cannot see that we are getting very much further with this bill. I am certainly in sympathy with it; I certainly believe that the

APRIL 5, 1944, con

Mr. A. G. Dodds:

been arrested were also in jail on a recommendation of the prison, no matter what objection is made to my statement. I know what I am talking about, and I know that these people had to see the prison to have his pardoned. They had to have their examination, and then they were arrested by the police on the supplementary. I fully agree that many of them were pardoned at the time and never received the Civil Service Commission, but those who were recommended did go through with the removal of the sentence.

I contend that last year the only question the commission owned in connection with these cases was this. When these men were substituted as times of war eligible to the civil service, the commission considered the conference. Since as to whether they were reference men and consider whether they can discipline. I contend that the conference is to continue and in that case there is a difference. In what they will use service, at the time be recommend; know what the preference is or whether is not had a disciplinary will not do merely to carry it on his condition. I know to obtained in a no way, but that was the only question the civil service commission ever discovered in regard to the appointment of these people and officers.

Last year I opposed this conference because we were asking under false colour at the time, saying that the commission with these recommends, whereas they only had their action upon them after a complete investigation on the part of the department of Reference and National Defence. [illegible]

[illegible] cases of these men have been [illegible] Unless it be within the last two weeks, [illegible]

GENERAL A. E. ROSS:

warden should select his men and that that recommendation should go. I am very much afraid however, that with the superintendent we have to-day some names willnever reach the top. A man who can write what he did about returned men will not, in my opinion, have any sympathy with them. I shall have more to say in this regard in committee. I am not very much concerned as to who appoints the guards. I believe that in the past we have made an excellent selection of guards and the country would have known of very few of them having failed if we had not had the report just submitted. Do not let us think that this is the first investigation we have had in connection with penitentiaries. In 1919-20 a new superintendent came in and we were told then that the whole thing was wrong; everything was inefficient, everything had to be upset, and the distrubance was just as great as it is to-day. We were told then that the selections that were being made would have an exemplary effect; we were going to have excellent guards and a system never before seen in our penitentiaries. But a new superintendent comes in to-day and he says, "They are useless; they are no good." Thirty or forty of them have been dismissed and he is waiting for a number of them now to give their evidence in connection with the trial of these prisoners before he boots them out. He is holding them until their evidence is in. As I say, I am not so much concerned as to the appointments; that is something which I believe will come out all right. I believe that some of the best men that have ever served in a penitentiary have been dismissed, and that by an inexperienced superintendent who never knew anything about a penitentiary. It looks to me as if the only thing he knows about it, the only thing he is interested in, is a rifle; but the rifle is the smallest part of the administration of a penitentiary. What I am more interested in is the dismissal of guards, and for twenty-five and theirty years I have been

MR. A. E. ROSS:

fighting this question in regard to the dismissal of guards.

I want to give the house an illustration of the way in which these men are treated on dismissal. Here is what one guard received.

This is to advise you that your services as temperary guard at this institution will terminate at the close of the prison year, September 30, 1931.

The above action is taken owing to the fact that you have failed to show the necessary initiative and interest in the duties assigned to you. For the last five months you have been given every opportunity to make good, but notwithstanding the warnings and advice you have received from the deputy warden and chief keeper, you have failed to show any improvement.

MR. GUTHRIE: Who signed that?

MR. ROSS: E. R. Jackson. I am going to give a number of these cases. Now, this man never was instructed; he never had a word from the deputy warden, never a word from the chief keeper except "good morning." That was the only instruction he had, and he is thrown out. What is the result? It is not merely the fact that he is thrown out of employment, but he is blacklisted, so that he cannot get a job in any department. He is simply balcklisted, and that is allowed to go without investigation. The man has no chance to defend himself.

Here is another case. Here is a man who made a complaint in the present minister's time. He was charged with the loss of gasoline —the matter was looked into by some official. The question whether the gasoline had really disappeared or how it had disappeared was never investigated but the man was dismissed because he went downtown and asked whether a certain guard had received gasoline at that station. The finding is there. This man never had a chance, although he is one of the best appointments; he held a high position in the city of Toronto. I amy say that he is not in my constituency. The Question as to where the gasoline went was never investigated.

We see a man being dismissed on account of a little

[illegible]

Mr. [illegible]:

Nothing this great n in terms so the dismissal of prayer.

I want to make the point an illustration of the way in which these men are treated on dismissal. Here is what one great man says.

[illegible] is to advise you that your services as teacher at this institution will terminate at the close of the [illegible], September 30, 1931.

The [illegible] is taken owing to the fact that you [illegible] to show any moderate initiative and [illegible] to the direction [illegible] during the past five months you have been given on my [illegible] received from the county [illegible] be [illegible] and advice [illegible] to show any improvement.

Mr. [illegible]: [illegible]

Mr. [illegible]: I. H. [illegible]. I am going to give a number of these cases. Now, this man never was instructed; he never had a word from the county [illegible] or a word from the chief [illegible] around "good morning." That was the only instruction he had, and he is thrown out. What is the result? It is not merely the fact that he is thrown out of employment, but he is blacklisted, so that he cannot get a job in any department. He is simply blacklisted, and that is allowed to go without investigation. The man has no chance to defend himself.

[illegible] cases. Here is a man who [illegible] a complaint in the present principal's time. He was charged with the loss of [illegible] in [illegible] were [illegible] by some [illegible]. The examination [illegible] the question [illegible] disappearance or how it had disappeared was never [illegible] but the man was dismissed because [illegible] and [illegible] whether a certain [illegible] had produced [illegible] at [illegible]

[illegible] certain [illegible]; he holds a civil position in the city of [illegible]. I [illegible] he is not [illegible]. [illegible]

MR. A. E. ROSS:

MORAL of paper. This man was a fireman, and the strange thing is that this piece of paer cannto be located to-day. Fourteen years after his dismissal the blacklist is counted against him and he cannot get a job. To-day there are twenty or thirty guards who are going, and this is the manner in which they are being dismissed:

Acting under instructions received from Ottawa-----

Now note this:

----I have to advise you that you will be retired from the staff of this institution to promote efficiency.

Is there no such thing as British justice, even though you are employed in adepartment of government? Cannot a man go and ask, "Why am I dismissed?" The question is important to the man because he cannot get a job in any other department. He is balcklisted and cannot even establish his defence. Statements are made in the report of the present superintendent which are absolutely false. I challenge him, this government and this House of Commons, to give these men a hearing. I know they will be able to prove that the charges are absolutely false. I am of the opinion that the warden should appoint his own guards, that he should be able to see them before they are taken on but I am also of the opinion that British justice should be shown to the men employed in the department and that they should be given a reason for their dismissal.

A keeper was suspended on November 29. The superintaadent gave him to understand that he would be reinstated but he remained suspended until last Monday when he was paid off up to November 29. The matter for which he was suspended was one not under his jurisdiction according to the regualtions of the penitentiary. The superintendent being new on the job and not knowing the regualtions laid a charge and the keeper was suspended. I have been fighting for twenty-five years

[illegible], contd.

Mr. A. A. [illegible]:

[illegible] of power. They may make a [illegible], and the [illegible] thing is the [illegible] place of poor people is located to-day. Whenever [illegible] after he dismissed the blacklist is counted against him and he cannot get a job. To-day there are twenty or thirty persons who are [illegible], and this is the manner in which they were dismissed:

[illegible] under instructions received from [illegible]——

[illegible]

——I want to advise you that you will be relieved from the [illegible] of this institution to promote efficiency.

Is there no such thing as simple justice, when people who are employed in a department of government? Cannot a man go and ask, "Why am I dismissed?" The question is important to the man because he cannot get a job in any other department. He is blacklisted and cannot even establish his defence. Statements are made in the report of the present superintendent which are absolutely false. I challenge him, this government and this House of Commons, to give [illegible]. I know that will be easy to prove that the charges are absolutely false. I am of the opinion that the man should be allowed his own [illegible], that he should be able to see them before they are taken [illegible] and I am also of the opinion that British justice should be given to the men employed in the government and that they should be given a reason for their dismissal.

[illegible] was suspended on November [illegible]. The superintendent gave him to understand that he would be paid while he remained [illegible] until last Friday, when he was paid off on November [illegible]. [illegible] a second ago [illegible] of the [illegible]. The superintendent [illegible] the regulations laid a charge and [illegible] I have been fighting [illegible]

MR. A. E. ROSS:

years to have these men given the opportunity of a hearing. Has a man in this country no right to know why he is dismissed? Is he to be told: "There is your notice, get out." If there are communists and reds in this country, more have been made during the last four or five months by such actions as these than could be made by ten Woodsworths, fifty Heaps or one hundred Irvines. If a man has anyred blood in him, he wants to fight for himself.

MR. MCINTOSH: A Ross generally has.

MR. ROSS: A Ross does nto have to have questions asked for him, he can state his own case and akk his own questions.

A deputy warden who had been twenty-eight years in the service of this institution was dismissed. The charge made against him in the report was absolutely false. This man has had no chance to defend himself against the position in which he was put in the report. Willl this country stand for a man having such an arbitrary powere that the can dismiss another man who had had twenty-eight years of service? Shoudl not sympathy be shown for a man who has had twenty-eight years of service without one black mark? I know of another case not many years ago where a deputy warden and another official who had been twenty-six years in the service were dismissed from Pretsmouth penitentiary because of a charge laid by one of the lowest pieces of humanity that could come out of the slums of Montreal. These men were dismissed upon the word of a convict.

The report states that in certain cases the men resigned, but if they did so, they resigned with a pistol at their head. They were told to sign their resignations or their gratutities would be lost. There should be an open hearing of these cases and I offer to resign my seat if they cannot be proved. I have that much courage anyway. These men are Liberals as well as Conservatives, so I am not

A.T.M.S. Lines, on p.3.

Mr. L. [illegible]:

[illegible] to [illegible] those who giving the opportunity as a parishioner. Has a [illegible] in this country no right to know why he is discharged? He has to be told: "Move in your notice, get out." If there are communists [illegible] in this country, more have been made during the last few, or [illegible] made by such people as these. Can could be made by the [illegible] communists. Fifty lives by our honoured Irishmen. I [illegible] engraved [illegible] in him, he works to fight for himself.

[illegible] "Does Government", [illegible].

[illegible]: I have been and have to have provided the salaries for [illegible] and with his own questions.

A Supply officer who had been twenty-eight years in the service of this institution was dismissed. The chairman [illegible] the report was unanimously false. They [illegible] to [illegible] the position in which he was left in the [illegible]. Will the country stand for a man having such an arbitrary power that he can dismiss another man who has had twenty-eight years of service? Should not somebody be shown for a man who has had twenty-eight years of service without one black mark? I have [illegible] were not many years ago where a deputy warden and another official who had been twenty-six years in the service were dismissed from [illegible] penitentiary because of a charge laid by one of the inmates [illegible] men were dismissed upon the word of a convict.

The record shows that in certain cases the men resigned, but if they did so, they resigned with a pistol at their head. They [illegible] by their institutions would be [illegible] point of view and I [illegible] [illegible] [illegible].

APRIL 3, 1933, cont'd.

MR. A. E. ROSS:

talking from the political point of view. I have never yet canvassed civil servants during any of the elections because I feel that they shoudl be independent. I am not interested in the appointment of guards but I am interested in these dismissals. Unless something is done I intend to fight just as long as I am a member of parliament. I shall deal with other sections of the report when the opportunity presents itself later on.

MR. C.G. POWER(QUEBEC SOUTH): Mr. Speaker, in rising to support the hon. member for Kinston (Mr. Ross) may I say on behalf of most of the hon. members on this side that his strictures on the Department of Justice would, we believe, apply equally to most other departments. Many arbitrary dismissals anddismissals without investigation have been made since this government came into power. May I offer him in this instance, and in others if he so desires, our assistance in order to bring before this house the injustice of many of these dismissals. I feel it is my duty to bring before the house certain portions of the report of D. M. Ormond in connection with the Kingston penitentiary disturbances. This report is addressed to the Minister of Justice and had a bearing upon the matter now before the house in that he criticizes very serverely the system of appointment of guards, wardens and other employees of the panitentiaries. The following appears at the bottom of page 8 of the report, under the heading Training of Guards:

> Shortly after the end of the late war, a fair sprinkling of guards were brought into the service who had had military training of some type or other. These, however, were not closely scrutinized and at the present time there are many guards who had little or not service that would recommend them to be penitentiary or prison guards, mostly having terminated from three to five years' service with the rank of private, which would indicate that they had reached their limit in military advancement, and could not be expected to show a higher standard in civil life.

I have never posed in this house as the friend of the soldier, in fact I have opposed a great many of the things which the

Mr. J. E. KING:

talking from the political point of view. I have never yet commended civil servants during any of the elections because I feel that they should be independent. I am not interested in the appointment of guards but I am interested in these disturbances. Unless something is done I intend to fight just as long as I am a member of Parliament. I shall deal with other sections of the report when the opportunity presents itself later on.

Mr. C.T. [illegible]: Mr. Speaker, in rising to support the motion, memory for Kingston (Mr. Doan) may I say on behalf of the men, members or ex-members that the servicemen on this side of Justice would, we believe, apply equally to most other observations. Many military disturbances unfortunately without investigation were found guilty since this government came into power. Now I either am in bad faith, and in others if he so desires, our assistance in order to bring before this house the high type of many of these disturbances. I feel it is my duty to bring before the house certain portions of the report of J. W. Ormond in connection with the Kingston publication rubbisness. This report is addressed to the Minister of Justice and I base my remarks upon his letter now before the house in that he criticizes very severely the system of appointment of premier, members and other employees of the publication. The following appears at the bottom of page 8 of the report, under the heading [illegible]:

[illegible]

[illegible] Speaker, [illegible]

[illegible]

I have never seen in the history of the Dominion of Canada [illegible]

MR. C. G. POWER:

the soldiers wished to have put into force. I have never been a consistent upholder of the preferecne for returned soldiers, but I do thing that any one of us who has had experinece with private soldiers during the war would be false to the friends he made during that time if he allowed an insult of this kind to pass unchallenged in a public document. I had the hour and privilege of serving as a private soldier for a considerable period during thewar. The hon. member West Lambton (Mr. Gray) served as a private soldier during the whole war, and Isay without any fear of contradiction that I am prepared to take his judgment against that of Brigadier General Ormond at any time.

I do not wish to say anythin disagreeable about Brigadier General Ormond, because he is not in the house, but I think it should be said of him that if anyone has shown his lack of capacity for the position which he occupies, it is General Ormond. What business had he to say that because a man had not had an opportunity of acheeving promotion during the three or five years or, as a matter of fact, any period he spent in the army during the war, he was debarred from civil occupation as a gaol guard, when we have in the house men who represent constituencies and when we have throughout the length and breadth of the land men holding the highest positions in civilian life who were soldiers in the war? If only Brigadier General Ormond ahd been able to enter into the feelings of many of the soldiers during the war he would have known weal the expression often used in the trenches when speaking of the Germans: "If they would trade red hats with us, we would be in Berling before Christmas." In no way has this expression been more strikkngly illustrated than by this report. Brigadier General Ormond should know, if he does not, that it was not the fault of many of those soldiers that they were not promoted. Many who achieved commissions did so by influence; [redacted]

MR. C. G. POWER:

many others did so because they went over early in the war, and he should know that in the last two years of the war there came over from Canada battalion after battalion fully staffed with officers and with not enough men. Place had to be found for those who had obtained commissions before leaving Canada and this was done to the detriment of those who had given the best service at the front. When the history of the war comes to be written, it will be found that the backbone of the British as well as of the Canadian army was the buck private in the rear rank; he showed courage, initiative and qualities that went to make the Canadian expeditionary force what it was. This house would be false to its trust to those soldiers unless many members register their protest against this report.

I do not see in his seat the Minister of Railways (Mr. Manion), but I know if he were here, he who devoted a great deal of his time gallantly and nobly to the effort of saving these men by giving them the best attention of his healing art, would take the same attitude as do many of us. The Minister of National Defence (Mr. Sutherland) during the war achieved honour, but he did so--and he will be the first admit this--because the private soldiers in his battalion backed him to the limit. I do not need to speak for the hon. member for Kingston City (Mr. Ross). He has expressed his views on this matter on many occasions. Almost every member, whether on this side or on the other, should feel it his duty to tell General Ormond that he is not qualified for the position to which he has been appointed, the reason being, first, on account of the absolutely false statement which he made in the report, and second, if for no other reason, that he showed a remarkable lack of tact in making such a statement.

May I quote the minister hiself as to the qualifications

many others did so because they went over early in the war, and he should have that in the last two years of the war there came over from Canada's institution after institution fully staffed with officers and not enough men. Place had to be found for those who had obtained commissions before leaving Canada and this was done to the advantage of those who had given the best service at the front. Even the history of the war comes to be written, it will be found that the leadership of the Canadian as well as of the British army was the back drive to in the rear rank; no doubt courage, initiative and qualities that we to make the Canadian contingent force what it was. This house would be false to its trust if those soldiers unless they had were

I do not see in his seat the Minister of Railways (Mr. Reid), but I know it be here, he who devoted a great deal of his time willingly and nobly to the effort of saving these men by giving them the best attention of his healing art, would take the same attitude as do many of us. The Minister of Railways (Mr. Crerar) during the war achieved honour, but he did so--and he will be the first to admit this--because the relative conditions in the institution received him to the limit. I do not mean to speak for the hon. member for Kingston City (Mr. Rose). He has expressed his views on this matter on many occasions. Almost every member, whether on this side or on the other, should feel it his duty to rest assured among that he is not qualified for the position to which he has been appointed, the reason why, first, on account of the absolutely false statement which he made in the report, and second, if he be innocent, that he showed a remarkable lack of judgment in making such a statement.

APRIL 3, 1933, cont'd.

MR. C. G. POWER:

of a gaol guard? Surely if a gaol guard should have all these qualifications, the man who superintends him should have many more. I am not going to read them all, but some of them are as follows:

In the first place he must have the necessary physique, must be a strong, robust man. He must be a man of some education.

I suppose General Ormond believes there was nobody with any education in the ranks of the private soldiers. There are throughout Canada at least as many lawyers, doctors and other professional men who served as private soldiers as served with commissions.

He must be a man of intelligence and discretion. He must be a man of courage, that is very essential, because he has to deal with many very daring, reckless prisoners.

I suppose the man who dealt with many daring, reckless Germans, is not qualified.

There is a large proportion of very daring prisoners in our institutions at this time. Above all a guard should be a man possessed of an aver ge amount of human sympathy.

I ask the minister whether General Ormond showed any human sympathy for those 600,000 returned soldiers throughout Canada when he said that because they were private soldiers they were not qualified to be good guards.

Above all a guard should be a man possessed of an average amount of human sysmpathy. I do not mean maudlin sentimentality, but human sympathy and discretion.

As regards discretion, I would say that General Ormond has signally failed.

I have under may hand the following resolution;

That the Kingston Branch No. 8 Canadian Legion of the British Empire Service League, have read with regret the insulting and ill founded remarks of Superintendent of Penitentiaries, D. M. Ormaond, as reported in the Kingston Whig Standard on February 7, on page 10, which reads as follows:

Then they proceed to quote the section of Genral Ormond's report which I have read to the house. They continue:

APRIL 3, 1933, cont'd.

MR. C. G. POWER:

That the Kingston branch of the Canadian Legion is able to give the names of doctors, lawyers, merchants, secretaries, bankers, members of parliament and men prominent in all walks of civil life to-day who served in the front line trenches of France and Flanders and other forward positions during the war who had the honour and distinction of the rank of private, gunner or sapper.

That some of the highest medals awarded by the British Empire were given to the private soldier who lived, ate and slept in the mud because he believed in his country and the best principles of freedom and did not enter the war in comfort and high military rank.

That the Kingston branch of the Canadian Legion No. 9 feel that the slur on the private soddiers whose annes are carved in bronze and marble in our memorial hall and city monuments, who paid the supreme sacrifice in the great war should not be belittled or made cheap because some, who failed to respect the law of the country and probably did not serve overseas, find themselves in Portsmouth penitentiary and who get temporarily out of hand fro a day or two.

That the raids on the German treches for prisoners and the patrolling of no-man's land at night, was done by what rank of soldier--the private.

That the Kingston branch No. 9 Canadian Legion feel that Superintendent D.M. Ormond should make a public apology to relieve the feelings of the widows and mothers who lost husbands and sons serving in the great war with the rank of private.

That a copy of this resolution be sent to Doctor A. E. Ross; the Right Hon. R. B. Bennett; the Hon. Hugh Guthrie; the Hon. R. J. Manion; the Hon Hugh Stewart---

And so forth.

In conclusion, I would like to make this observation, that I do not believe there is any possiblity of the reutrned soldier's preference being applied in any satisfactory manner if the application thereof is to be left to the discretion of amn like D. M. Ormond. I do not wish to oppose the bill for that reason, but I would very seriously suggest to the minister that before giving Ormond the power of a dictator in matters of this kind, he should see to it that in some way his power of either expelling or appointing private soldiers should be controlled and restricted.

MR. E. R. E. CHEVRIER (OTTAWA): Mr. Speaker, the hon. member for Quebec South (Mr. Power) who has just resumed his seat and the hon.

MR. E. R. E. CHEVRIER:

and gallant gentleman (Mr. Ross) who preceded him will pardon me if I do not follow them in alll the intricacies that are involved in the appointment of inspectors, wardens, deputy wardens and so on. With what my hon. friend who has just resumed his seat has said with reference to the most unwarranted charge that has been made against the returned men now in the employ of the penitentiaries branch as orderlies, I fully agree. I do think it was a most unwarranted statement on the part of one placed in an important position to say what General Ormond said, and so far as I am concerned I am quite prepared to say to him that he ought to be censured as strongly as possible.

With what my hon., and, as I like to call him, my gallant friend from Kingston (Mr. Ross) has said, I am in agreement. The returned soldier's preference under this new scheme will be absolutely forgotten, or at least there is nothing in the bill that I can see aywhere that will safequard that preference, yet the Minister of Justice (Mr. Guthrie) has said that one of the primary qualifications for the position of superintendent, warden and guard should be that the appointees be quasi-military men. With that I do not quite agree, but if the qualifications are to be such, then I doubt very much in view of certain appointments which have recently been made by the government whether that will be the consideration that will be uppermost in the minds of those charged with making these appointments. The Minister of Justice the other day when he introduced the resolution said, at page 3545 of Hansard of March 30:

> This measure has been brought forward only after very serious consideration not only on the part of myself and officers in my department, but on the part of my colleagues and the senior officers of the penitentiary staff.

That may be, but the hon. gentleman knows that there is on the statute books of Canada a law that is called the Civil Service

APRIL 3, 1933, cont'd.

MR. E. R. E. CHEVRIER:

Act, and I for one believe that as long as that law is there, it is incumbent on these whose duty it is to prepare laws, and to see to their functioning, to be the first ones to observe the law.

I contributed in no small degree, and with the greatest satisfaction possible to the fabrication of the reports of the committee under the chairmanship of the hon. member for North Bruce(Mr. Malcolm) of March and June, 1923, on the administration of the Civil Service Act, when the Civil Service Commission was under review at that time, and one of the recommendddtions of that report was this:

Your committee is of the opinion that the two fundamental principles of the Civil Service Act are the merit system and the system of appointment by competitive examination, and that both these principles must be preserved.

Sir, as long as it is my great honour and privilege to be amember of this house, and as long as this law is on the statute books, it is my duty to see that it is observed, and for its maintenance I shall continue to fight, But having subscribed to it, I must of necessity oppose any departure from it.

But the Minister of Justice is not satisfied with bringing in a new measure to take away from the Civil Service Commission something of its juriddiction. It was in 1918 that the hon. gentleman was one of those who is a moment of high sentiment formed the idea of abolishing patronage. It was in 1919 that the Civil Service Act was so amended as to allow of the bringing down of the classification, but it was in 1921 that the hon. gentleman and those associated with him tried by means of the Spinney bill to ruin the act, and had it not been for those who sat in opposition at that time the Civil Service Act would have been ruined. Unfortunately there was maintained in the act one section which permitted the Civil Service Commission to do certain things in the way of releasing positions. The Minister of

[illegible] and I for one believe that as long as that law is there, it is incumbent on those whose duty it is to execute laws, and to see to their execution, to be the first ones to observe the law.

[illegible] in the recital of the reports of the committee [illegible] of March last year, 1924, on the administration of the Civil Service [illegible], when the Civil Service Commission was under review at that time, one of the recommendations of that report was this:

"The committee is of the opinion that the two fundamental principles of the Civil Service Act are very apposite at the present time, namely, the merit principle and security of tenure, and that both these principles should be preserved."

Now, as long as it is on great merit and privileges to a number of this house, and as long as this law is on the statute books, it is my duty to see that it is observed, and for the maintenance of a civil service in Canada, the merit principle [illegible], must of necessity depart any departure from it.

But the minister of justice is not satisfied with [illegible] of its justification. It was in 1918 that the hon. gentleman who is a member of high sentiment formed the idea of [illegible]. It was in 1919 that the civil service act was [illegible] of the bringing down of the classification, but it was in 1921 that the hon. gentleman and those associated with him [illegible] the Quinney bill to ruin the act, and had it not been for [illegible] possibility of that also the civil service act might have been [illegible]. Fortunately there was [illegible] in the [illegible] the [illegible]

MR. E. R. E. CHEVRIER:

Justice the other day said, at page 3557 of Hansard--and this is no excuse why the thing should be repeated:

The late government, I think with the assistance of my vote--

It was well that he said that because otherwise it would have been put up to him:

--appointed a large number of preventive officers. I think there were some six or seven hundred such officers, three hundred and fifty of which are now in the mounted police. None of these men come under the Civil Service Commission. In the Department of National Revenue there is a large staff of appraisers who are not appointed by the commission. There are a large number of employees in the Department of Finance in a similar position. The employees of the Soldier Settlement Board and of the department presided over by my hon. friend the acting Minister of Immigration (Mr. Gordon) are not subject at all to the military forces and the mounted police, the employees of the tariff board, the radio commission--

And any other commission that may subsequently be appointed by the administration will, of course, be in the same category:

--and the research council also do not come under the commission. There is no new departure suggested by this measure.

But neither is there any closure on this sort of thing; there is no end to it. Just because that has been done in the past is no reason why a measure should now be introduced into this house which will release from the operation of this act some thousand or more employees. There is no reason why that should be done. At least the hon. gentleman who is in charge of this bill, if he had wanted to follow the law, could have found that relic which is to be found in the act after they had laid their unholy hands upon it, and which is known as secti n 59. The hon. gentleman has said that he has had conferences with the officers of the penitentiaries branch. Of course, they would be the first ones to ask for a release of these people from the jurisdiction of the Civil Service Commission. The hon. gentleman also says that he has asked to have a conference with the members of

MR. S. A. E. CHEVRIER:

Justice the other day said, at page 2557 of Hansard--and this is my excuse why the thing should be repeated:

The late government, I think with the assistance of my vote--

It was well that he said that because otherwise it would have been put up to him:

--appointed a large number of inexpensive officers. I think there were some six or seven hundred such officers, these numbers are fifty or which are now in the counted police. None of these men come under the Civil Service Commission. In the Department of National Revenue there is a large staff of officers who are not controlled by the Commission. There are a large number of employees in the Department of Transport in a similar position. The employees of the Railway Territorial Board and of the Department of National Defence (below) the rank of Lieutenant Colonel, Commander and Squadron Leader are all in the military. There are the Railway Mail Service, the Railway Mail Service, the tariff board, the radio commission--

and the Senate committee that may recommend to appointed by the administration will, of course, be in the same category.

--and the Senate committee also is not subject to the commission. There is no new departure suggested by this measure.

But neither is there any closure on this sort of thing; there is no end to it. Just because that has been done in the past is no reason why a Senator should not be interrupted late this year while will relapse into the operation of this act from thousands of employees. There is no reason why that should be done. At least the hon. gentleman who is in charge of this bill, if he had wanted to follow the law, would have found that public notice is to be given in the Ottawa Gazette and had been weekly ever since it. The notice is known as weekly notice. The hon. gentleman has said that he has conferred with the officials of the commission. Of course, they would be the first ones to ask for a release of those people from the jurisdiction of the Civil Service Commission. The hon. gentleman

MR. E. R. E. CHEVRIER:

his own department. It would have been extraordinary if these people knowing what was in the mind of the hon. gentleman, had not acceded to his wish. The Civil SErvice Commission charged with the administration of the Civil Service Act, if the qualifications set for the employees of the penitentiary were not satsifactory, could still have made the appointments on qualifications which were considered satsfactory. The minister could have asked the Civil Service Commission to appoint men under new regualtions. Did He? The law was in the hands of the hon. gentleman, and why was there any necessity to amend the Penitentiary Act? Why did he not take advantage of the Civil Service Act, section 59 of which reads:

In any case where the commission decides that it is not practicable--

If the hon. gentleman thinks it is not practicable in this case he could have submitted it to the Civil Service Commission;

--nor in the public interest to apply this act to any position or positions, the commission may, with the approval of the governor in council, exclude such position or positions in whole or in part from the operation of the act, and make such regualtions as are deemed advisable prescribing how such position or positions are to be dealt with.

I say that if there is any sincerity of purpose in this measure now before the house, the hon. gentleman and his administration should proceed under the terms of the law that is now on the statute books, that very same law which was placed on the statute books at the instigation and on the demand of the hon. gentleman who is now charged with this bill. Why do they not ask the Civil Service Commission to say whether it is practicable or in the public interest that these men should continue to be appointed in the manner in which they have been appointed? If the qualifications are not satisfactory they should be changed. But the merit system should be followed in the matter of appointments and in the matter of promotions.

Mr. E. R. E. CHEVRIER:

his own department. It would have been unnecessary in these days knowing what was in the mind of the hon. gentleman, had not acceded to his wish. The Civil Service Commission charged with the administration of the Civil Service Act, if the qualifications for the employees of the penitentiary were not satisfactory, could still have made the appointments by qualifications which were considered satisfactory. The minister could have asked the Civil Service Commission to appoint men under new qualifications. Did he? The law was in the hands of the hon. gentleman, and why was there any necessity to amend the Penitentiary Act? Why did he not take advantage of the Civil Service Act, section 59 of which reads:

> In any case where the commission decides that it is not practicable—
>
> If the hon. gentleman thinks it is not practicable in this case he could have submitted it to the Civil Service Commission;
>
> —or in the public interest to apply this act in any particular position, the commission may, with the approval of the governor in council, exclude such position or positions in whole or in part from the operation of the act, and make such temporary appointments as are deemed advisable pending the exclusion of such position or positions are to be dealt with.

I say that if there is any almost of purpose in this amendment we before the house, the hon. gentleman and the administration should proceed under the terms of the law that is now in the statute books, not any more law which was passed on the eleventh hour at the investigation and on the demand of the hon. gentleman who is now charged with its will. Why do they not ask the Civil Service Commission in any matter it is practicable for in the public interest, since one month previous to be appointed in the manner in which the hon. have been advantage? If the qualifications are not satisfactory they could be changed. But the merit system should be followed in the matter of appointments and in the matter of promotions.

MR. E. R. E. CHEVRIER:

But there is more than that, and more will be said when the bill is in committee. So far as I can see from the spirit of this bill the whole administration will be left in the hands of the superintendent, subject of course--and that is a very wide condition--to the governor in council. The range of salaries, promotion, superannuation, deductions, will all be subject to the recommendations of the superintendent. This is one of the worst measures to be introduced and one that departs to the greatest extent from sound principles of administration. I wonder how the ministercan expect to inspire confidence in the minds of those charged with the protection of life and the safety of property when they feel they are at the mercy, in regard to advancement or dishcarge, "of recommendations from Ottawa," as used by the hon. member for Kingston in explaining certain dismissals. The hon. member for Kingston has said that men who have given years of service are discharged on recommendation from Ottawa and nothing more said. The Civil Service Act provides in section 55 as to political partisanship, and section 52 governs dismissals, but once these men are placed under the jurisdiction of the superintendent there will be wholesale dismissals, with the same answer, "Your are discharged upon recommendation from Ottawa."

What is required is tightening up of the Civil Service Act, not nibbling away from it. And may I say to my hon. fried, if the government have decided to take these men from under the operation of the Civil Service Act, let them not appoint any more commissioners because before the commissioners are appointed the Civil Service Commission will have become useless.

April 3, 1933, cont'd.

MR. THOMAS REID(NEW WESTMINSTER): I was particularly pleased when the hon. member for Kinston (Mr. Ross) brought up the matter of dismissals, because we are even more concerned about dismissals than appointments. At various times I have been in consultation with the Minister of Justice in connection with dismissals that occurred at the New Westminster penitentiary. One feature that I think he should take particular notice of is that guards can actually be "framed" by convicts in the prison. I have a case before me in which a convict after his discharge swore in evidence before a special constable that he had framed a certain guard in the penitentiary. I brought that to the attention of the minister, but it seems that the report of the warden had to be accepted. I do not know of any other department concerned with the administration of justice in which the word of aprisoner is taken against that of an officer. In this case the guard had been attending to his duties in the usual way, and this was resented by this particualr prisoner, who was a rather dangerous character, and he made the statement that he would frame this guard. And he did. He placed cigarette papers--which are contraband in the penitentiary--in a certain place, and then notified the warden that they were there. On investigation they were found, and on that and that alone this guard was dismissed. I think this matter of dismissals should be given very serious attention because if that procedure is carried on and thw word of a convict is taken in preference to that of a guard it is very serious indeed, especially when by this bill power is vested in such a man as General Ormond.

The minister also spoke about the matter of instruction, that under the new act instruction would be given to the guards. My information is that there is now no provisionfor instruction of guards. They are handed a copy I believe of the regualations to look at, that copy must be handed back, and kept in the head office; how can the

MR. THOMAS HOLD(New Mexico): I was particularly pleased when the gentleman for Linsdon (Mr. Ross) brought up the matter of disclosure because we are even more concerned about disclosure from experiments at various times I have been in consultation with the Minister of Justice in connection with disclosure that [illegible] at the Saskatchewan Penitentiary. One reason that I raise the matter mainly merely of is that guards can actually be "planted" by convicts in the prison. I have a case before me in which a convict after his discharge [illegible] in evidence before a special [illegible] a certain guard in the penitentiary. I [illegible] attention of the minister, but it seems that the report [illegible] had to be accepted. I do not know of any other department concerned with the [illegible] in which [illegible] the word of a prisoner in taken against that of an officer. In this case the guard had on attending to his duties in the usual way, and this was reported by this particular prisoner, who was a rather dangerous observer, and he made the statement that he could frame this guard. And he did. He found cigarette butts--which are contraband in the penitentiary--in a certain place, and then notified the warden that they were there. On investigation they were found, and on that and that alone the guard was dismissed. I think this matter of disclosure should be given very serious attention because if that procedure is carried on [illegible] a serious [illegible] taken in preference to that of a good [illegible] especially when by this bill power is vested in such a man as General Drummond.

The Minister [illegible] information would be given to the Speaker. My information is that [illegible] is a form of preliminary [illegible] in Saskatchewan [illegible] I believe [illegible]

MR. THOMAS REID:

guard become acquainted with the regulations if he is not provided with a copy? Then only those guards who are on duty as guards with rifles are allowed to carry or handle rifles. It does not require an act like this to make it possible to instruct a man in the use of a rifle; all that is needed is a provision in the regulations that he be given say half an hour rifle drill every day. Under the present system a guard has no chance to become proficient in the penitentiary regulations unless he takes time to go to the head office and study them.

But the most serious thing brought out was the disclosure by the hon. member for Kingston, in the matter of dismissals. I think that the whole situation should be looked into, because there have been many dismissals of guards, who have afterwards been blacklisted, so to speak, and will be all the days of their lives as far as obtaining a permanent job in the government service is concerned.

MR. R. W. GRAY (WEST LAMBTON): Speaking to the resolution last Thurdsday afternoon, while opposing it in toto, I did suggest to the minister that when the bill came before the house he make certain that a clause was included providing that the act should not take away from the returned men the preference given them under the Civil Service Act, I mentioned at that time that in 1932 when certain revenue post offices were taken from under the operation of the Civil Service Act there was included in the amendment a section retaining the preference to returned soldiers. That is found in the statutes of Canada, 1932, chapter 40, section 57A, which reads as follows:

> The provisions of this act shall not apply to the position of postmaster of any revenue post office the revenue of which does not exceed three thousand dollars per annum; but the preference provided by section twenty-nine of the this act, in favour of the persons mentioned therein, shall be applied in respect of appointments to such positions.

I felt then that the minister would give serious consideration to that subject matter, and that when this bill was brought into

MR. CHARLES MILLER:

guard become acquainted with the regulations if he is not provided with a copy? Then only those guards who are on duty as guards with rifles are allowed to carry or handle rifles. It does not require an act like this to make it possible to instruct a man in the use of a rifle; all that is needed is a provision in the regulations that no guard may half an hour rifle drill every day. Under the present system a guard has no chance to become proficient in the penitentiary regulations unless he takes time to go to the head office and study them.

[illegible]

[illegible] that the whole situation should be looked into, because there have been [illegible] many disturbances of guards, and have a[illegible] that [illegible] as well as all the duty of [illegible] as you are [illegible] a permanent job in the department section is [illegible].

[illegible]

[illegible] amendment, really straighten it [illegible]. I did suggest to the minister that when the bill came before the house he make certain that a clause was included providing that the act should not take away from the returned men the preference given them under the Civil Service Act. I mentioned at that time that in 1932 when certain revenue post offices were taken from under the operation of the Civil Service Act there was included in the amendment a section retaining the preference to returned soldiers. That is found in the Revenue Act, 1932, chapter 40, section 3[illegible], which reads as follows:

> The provisions of this act shall not apply to the positions of postmasters of the revenue post offices the revenue of which does not exceed three hundred dollars per annum; but the preference provided by section twenty-seven of the civil service act, in favour of the persons mentioned therein, shall be applied in respect of appointments to such positions.

I felt then that the minister would give serious consider-

MR. R. W. GRAY:

the house we would find in it a similar provision. But I have looked for it in vain, there is no such provision. I again urge upon the minister that he include in this bill such a provision. At the same time, after the statement of the hon. member for Quebec South (Mr. Power) and after reading what the superintendent of penitentiaries thinks of private soldiers, one wonders whether there is any great value in retaining the preference in the act. I hope however, that this house and public opinion generally will be so unanimous in condemening what the hon. member for Quebec South so rightly characterized as an insult to the private soldiers of this country that General Ormond will not repeat the remarks he has made. I have no great hope, however, that he will prove a success in the position to which he has been appointed; my information is that he has not been successful in any of the other ventures over bwich he has had command. One has only to look back at the history of Rhyl at the close of the war to learn something of the capabilities of this gentleman. I consider that the remarks made by Brigadier-General Ormond are an example--

An hon. MEMBER: That statement about General Ormond is not correct.

MR. GRAY: Then my hon. friend can get up and refute it. I consider these remarks to be an example of red tape snobbishness and brass hat unctuousness. Fortunately there were not many men of this calibre holding high commands, but I consider that as a private soldier I would be derelict to my duty if I did not stand in my place here and hurl back in his face the insult he has written into the records of this house. I say that when we have a report made not only to the minister but to the country in which words of this sort are used we can expect, little from the superintendent of penitentiaries.

Mr. G. G. Grant:

the house we would find in it a similar provision. But I have looked for it in vain. There is no such provision. I have gone over the statutes (or tables in our full work) relating to the superintendent of penitentiaries, first the statutes of the province, secondly the Dominion (Mr. Ross) and after reading what the superintendent of penitentiaries thinks of a little malfeasance, I am sorry there is any great value in enacting the provisions in the act. I hope however, that the Dominion public opinion generally will be so unanimous in condemning such the last member for Lambton (Mr. Mills) so flagrantly characterized as an insult to the private soldiers of this country that General Cameron will not repeat the remarks he has made. I have no great hope, however, that he will prove a success in the position to which he has been appointed; my information is that he has not been successful in any of the other ventures over which he has had command. The has only to look back at the history of Ship at the close of the war to learn something of the capabilities of this gentleman. I consider that the insults made by Brigadier-General Cameron are an example--

Mr. Ross: That statement is not correct. I read it and correct.

Mr. Grant: Then my hon. friend can get up and retract it. I consider those remarks to be an insult to the high-minded and loyal volunteers. Personally, I have never met any one of the soldiers holding this commanding. But I consider that as a private soldier I would be recreant in my duty if I did not stand in my place here and bear testimony to the insult he has written into the records of this country. I may tell that when we have a report made we will go to the bottom of the matter in which words of this sort are used so as to ascertain whether the superintendent of penitentiaries.

MR. HUMPHREY MITCHELL (EAST HAMILTON): Mr. Speaker, I am one who served in the ranks during the war; I spent four years and seven months there leaving, as I entered, the equivalent to a private. I say theat without shame; I am proud of it. I do not believe that even generals have a first mortgage on all the brains and intellect in the country, and I regard this statement as an insult to the men who served during the war. After all is said and done it takes some courage to be at the front--at the front, and not at the rear. I believe this is also an insult to the intelligence of this House of Commons.

This report is a contradiction in itself, Mr. Speaker; it finds fault with the conditions under which the men were appointed, and says the rules of the Civil Service Commission were not followed. The whole report is in conflict with the spirit of this bill. Frankly I believe the government followed an absolutely wrong policy in connection with the riots at Kingston and the other penitentiaries. A royal commission should have been appointed to investigate the question, because many rumours have been broadcast throughout the country. I have one in mind; it was said that the wife of one of the brokers serving his sentence at Kingston visited one of the officials, and that during her visit her husband was sent to the house as a janitor. Statements have appeared in various newspapers throughout the country; at the moment I am only going to quote from the Conservative press. First I will refer to the Financial Post; I do not think any criticism can be made with regard to an opinion expressed by that publication. Referring to the article which appeared in the Financial Post, The Toronto Globe said:

On the other hand, the charges of the Financial Post regarding Collins Bay reflect a degree of public uneasiness that requires another sort of inquiry, one wholly removed from any aspect of parliamentary or political control. Yet the slogan, "Steal a million and see Collins Bay," recorded as having winged its way through

Mr. [illegible] (REAR ADMIRAL): Mr. Speaker, I am one who served in the navy during the war; I spent four years and seven months there leaving, as I entered, the equivalent to a private. I say that without shame; I am proud of it. I do not believe that even generals have a first mortgage on all the brains and intellect in the country, and I regard this statement as an insult to the men who served during the war. [illegible] I believe this to be at the front--at the front, and not at the rear. I believe this is also an insult to the intelligence of this House of Commons.

[illegible]

[illegible] with the [illegible] at Kingston and the other penitentiaries. A royal commission should have been appointed to investigate the question.

[illegible]

at the moment I am only going to quote from the Conservative press. Next I will refer to the Financial Post; I do not think any criticism can be made with regard to an opinion expressed by that publication. Referring to the article which appeared in the Financial Post, the [illegible]

On the other hand, the charge of [illegible] Collins may be not a degree or [illegible] another sort of country, one wholly removed from any sphere [illegible] or political [illegible]. [illegible] affiliate and see Collins [illegible]

MR. HUMPHREY MITCHELL:

Portsmouth, implies that much of the trouble, if not all, has been due to the incarceration of stock brokers in the "preferred class" institution.

Here is another statement from the same publication:

"On more than one occasion the Financial Post has said that back of some of the financial c rooks who have been sent to various penitentiaries were bigger and more influential people whose names were never dragged through the newspaper headlines. Scapegoats, tools, chestnut-pulling monkeys served terms to pay for the illicit gains of financial ones in safety," An inquiry into penitentiary administration will not be sufficient unless it brings out the complete story of the brokers.

Then we have the Toronto Telegram, which I would call friendly to the present administration. It contained this headline:

Closed Inquiry inot Penal Conditions will not Satisfy Public Demand.

The article following contained these words:

It would be the part of wisdom for Hon. Hugh Guthrie to listen to the demand for a public inquiry, if only to demonstrate that he has nothing to hide.

Then I have the Hamilton Spectator, another recognized Conservative journal, which says:

With such stories going the rounds and bein elaborated upon in the telling, it will not suffice for the government to make a secret, internal inquiry and present a statement of the findings to the people; whose taxes support Portsmouth penitentiary. There will be a suspicion that the reason for the secret inquiry was that the department had something to hide. The searchlight should be played on every nook and cranny of Portsmouth and the public made acquainted with both sides of the story, and this form of probe, we think, will be insisted upon.

I still believe that would have been the proper policy in connection with those troubles. I am not unmindful of the inquiries that might be carried on by men who have such a backgroudn of training as that possessed by the gentleman referred to, but I am not very much impressed with the efficiency of military men in positions of this nature. We have seen an example in connection with certain police forces in this country, and here instead of having promotion within the dep rtment, gentlemen have been taken from outside, though they

MR. HUMPHREY MITCHELL:

absolutely lack experience and knowledge of the practical problems which present themselves in connection with the administration of such institutions. Frankly I think the gentleman in question exhibited a degree of crust, to say the least, when one remembers that he lacked the necessary experience to carry out an investigation of this kind. I felt it my duty to make these observations and reflect what I believe is the considered view of the people of this country. I firmly believe that the policy which should have been pursued in connection with this investigation was the appointment of a commission of some sort before which those men referred to this afternoon by the hon. member for Kingston(Mr. Ross) would have had the right to give their evidence, and possibly to be represented by counsel. I think that should have been done instead of the star chamber methods which were adopted.

MR. CAMERON R. MCINTOSH (NORTH BATTLEFORD): Mr. Speaker--

MR. COWAN (LONG LAKE): Oh.

MR. MCINTOSH: Is my hon. friend from Long Lake (Mr. Cowan) really awake? Before this bill is given second reading I should like to put myself on record as opposing it. I did so last Thursday, when the resolution was under discussion, and I wish to do so again to-day. I should like to read a telegram which I received from the secretary of the Civil Service local of North Battleford in regard to this legislation It is as follows:

> The civil servants of North Battleford are strongly opposed to the removal of the penitentiaries staffs from the Civil Service Act and respectfully solict your opposition in this matter.
>
> (Signed) V. J. Rogers
> Secretary.

Another telgram came to me from Saskatoon, dated March 3:

> The Saskatoon members of the amalgamated civil servants of Canada respectfully protest against proposal to take the staffs of the penitentiaries away from the Civil Service Act.
>
> EGGLESTON,
> Secretary.

MR. C. R. MCINTOSH:

Further, I have a letter from Mr. Knowles, who is national secretary of the amalgamated civil servants of Canada. This is a national organiaztion and I believe that two or three of the ideas put forward in this communication are well worthy of being placed on the records of the house. The minister the other night seemed to intimate that perhaps the civil servants of the country were takin too much upon themselves in opposing legislation of this kind, but in my view it is a very important thing to have antional organization which will indicate to the government in power precisely where it stands on any piece of legislation. I believe it is a help to the government, and any communications submitted to the government ought to be read with special interest. Mr. Knolwes, in his statement, dated March 6, asks: What is the proposal? And he proceeds to say that the proposal means the removal of the entire penitentiary service, over nine hundred in number, guards, wardens, inspectors, superintendents, clerks, stenographers, bookkeepers, nurses and so on. from the provisions of the Civil Service Act. Now may I ask, what does this mean? It means that we are splitting the Civil Service Act into fragments, and by dividing it we intend to destroy it. That is the meaning of it. The second question Mr. Knowles asks is this: What does the departure mean? He explains this departure means the appointment of all penitentiary officials by political patronage, as is the rule in the United States, where the penitentiary administration is admittedly much more corrupt and inefficient than it is in Canada. Do we want our penitentiary administration to become more corrupt in Canada than it is in the United States? Do we want it to become more inefficient? If we do, says the national secretary of this organization, then all we have to do is to adopt this legislation. Thirdly, Mr. Knowles asks what the results will be. He says the results will be that prison

MR. C. R. MCINTOSH:

guards will be chosen as a reward for political services by those locally in charge of patronage, and that guards so chosen, owing to graft and inefficiency, weakness and loss of morale, will become a burden to the penitentiaries rather than a help; moreover, there will wholesale dismissals on every change of government, and the extravatance and added cost will paid by the people of Canada. Surely if these statements are sound we do not want to add to the cost of government in this country to any greater degree.

May I before closing put before the house the point of view of General Hughes, at one time superintendent of penitentiaries. General Hughes was a witness before the Spinney committee in 1921, and at page 234 of the report of that committee it is stated that he emphatically opposed the suggestion. At page 234 he is reported as having said:

> We have got away from politcal appointments, thank goodness, and we are getting into our service men who in years to come will be a credit to the institution.

General Hughes, then, is of the opinion apparently that if we take the course we are about to adopt to-day we are doing something that will not be creditable to the country. Then the Prime Minister (Mr. Bennett), the leader of the government of which my hon. friend opposite is a responsible minister, has something to say on this question. What does the right hon. gentleman say? On May 8, 192 8, as reported at page 2775 of Hansard, speaking against a measure of this character, he said:

> It means the recurrence of the patronage system, which should not be tolerated in this country. It is not conducive to good service, or to the public weal. While there have been many defects in connection with the administration of the civil service, the fact is that it is a great advance over anything we have heretofore had in this country. We protest against any effort being made to return to the old condition of patronage.

That is the point of view of the present Prime Minister,

MR. C. R. MCINTOSH:

and we have also the opinion of the present Minister of Trade and Commerce (MR. STEVENS) as reported in Hansard of May 15, 1928, at page 3017-18:

Undoubtedly the patronage system had more evil attached to it than merit. Appointments under the patronage system are made for the purpose--I think I can put it simply and plainly--of giving jobs to those who are in favour with ministry of the day, whatever ministry it is.I..I am opposed to this bill to the extent that it departs from the principle of appointment by the Civil Service Commission.

Lastly, may I put on record the opinion of the right hon. gentleman (Mr. Mackenzie King), who now leads His Majesty's loyal opposition in this House of Commons. On May 2, 1921, speaking against the Spinney bill, which aimed at exempting a portion of the outside service from the provisions of the Civil Service Act, the right hon. gentleman said:

It is a step entirely in the wrong direction.

Well, if the Spinney bill of twelve years ago was then a step in the wrong direction the principle of this bill is equally so to-day. We have the views of these leaders of public opinion which I have quoted, and I think it would be well for us to take their advice. If we followed their opinions we would scrap this piece of legislation now before the house and see to it that the appointments I have mentioned should come under the prvisions of the Civil Service Act, thereby insuring to this country, so far as our penitentiaries are concerned, men who will know their duty and do it in a way that will be a credit to the dominion.

RIGHT HON. SIR GEORGE PERLEY (ARGENTEUIL): May I say to my hon. friend from North Battleford (Mr. McIntosh) and to my hon. friend from Ottawa (Mr. Chevrier) that there is no intention whatever of returning to the system of political patronage in a general way. This government is just as much in favour of appointments being made through the

RIGHT HON. SIR GEORGE PERLEY:

Civil Service Commission on merit as my hon. friends opposite can possibly be, but this is a peculiar situation. All that the Minister of Justice is asking the house to agree to is that the appointment of guards and officers of our penitentiaries shall be made practically in the same way as is the selection of constables for the mounted polic force.

MR. MACKENZIE KING: This is going away beyond that.

SIR GEORGE PERLEY: That is the intent of this act, and the Minister of Justice might repeat to my hon. friend from North Battleford the opinion which he has already given on this subject. The selection of guards for the penitentiaries under the Civil Service Commission has not been a success. In my opinion, they should be selected as the constables are selected for the mounted polic force. There is no political patronage in connection with the choice of constables for that force, and I think every hon. member will agree with that statement. If I know of a man who in my opinion would make a good constable in the mounted police force, I would simply tell him to go to the office of the commissioner on Rideau street and be examined. The examination is very careful both as to the physical condition and mental capacity of the applicant. Appointments are made entirely upon merit and there is no political patronage whatever. There will be no political patronage in the appointment of officers and guards of the penitentiaries as provided for by this bill. The hon. member for Ottawa has the civil service particualrly under his care, and has to get up and object to this bill on general principles.

MR. CHEVRIER: Not particularly.

SIR GEORGE PERLEY: As to the wisdom of the Civil Service Act, I am entirely in accord with my hon. friend.

MR. CHEVRIER: I may be the minister representing the civil service.

Lord Lord Cecil.

Prime Min. Sir ANDREW BONAR LAW:

Civil Service Commission is not it my hon. friend's opinion an impartial one, but this is a peculiar situation. All that the Minister of Justice is asking the House to agree to is that the appointment of guards and officers of our municipalities shall be some assurance that they are not a [illegible] [illegible] people.

Mr. MCCARTHY (Lincoln): This is going away beyond that.

Sir ARTHUR MEIGHEN: That is the intent of this act, and the Minister of Justice might repeat to my hon. friend from North Battleford the caution which he has already given on this subject. The selection of guards for the penitentiaries under the Civil Service Commission has not been a success. I say quickly, they should be selected as the constables are selected for the mounted police force. There is no political patronage in connection with the choice of constables for that force, and I think every hon. member will agree with that statement. If I know of a man who in my opinion would make a good constable in the mounted police force, I would simply tell him to go to the office of the commissioner on Ridout street and be examined. The examination is very searching both as to his physical condition and mental capacity of the applicant. Appointments are made entirely upon merit and there is no political patronage whatever. There will be no political patronage in the appointment of officers and guards of the penitentiaries as provided for by this bill. The hon. member for Lincoln has the civil service sentimentally under his care, and has to keep up good relations with the Civil Service Commission.

Mr. MCCARTHY (Lincoln): As to the wisdom of the Civil Service act, I am entirely in accord with my hon. friend.

SIR GEORGE PERLEY:

Perhaps when my hon. friendsparty gets into power he may be a new minister of civil service.

MR. MCINTOSH: Do you think he has a good reputation?

SIR GEORGE PERLEY: There are a great many hon. members on the other side who are particularly careful about the civil service now that they are in opposition.

What we are asking is that the guards and officers in the penitentiary face shall be chosen on merit. The Civil Service Commission does not have an opportunity of inspecting applicants and making their personal acquaintance as could be done by the superintendent or whoever is given authority by him to select these men. The penitentiary guards are really a quasi-military force, somewhat similar to the Royal Canadian Mounted Police. I do not consider that the altering of the present system of appointing these guards and other officers can be considered as an attack upon the merit system. With appointments being made to this very important service in the manner provided for by this bill there would be more surety of obtaining those qualified for the positions. The appointments would be made without political partisanship of any kind.

RIGHT HON. W. L. MACKENZIE KING (LEADER OF THE OPPOSITION): The speech just made by my right hon. friend, the hon. minister who is member for Argenteuil (Sir George Perley) is very similar to the one made by the hon. Minister of Justice (Mr. Guthrie) during the debate upon the resolution. At that time there were some hon. members on this side who were inclined to support the minister in what he was proposing as far as the appointment of guards, wardens and superintendent of the penitentiaries was concerned. If the bill did not go any further than that--

MR. GUTHRIE: If we could get the bill into committee we could discuss the details.

the details.

MR. MACKENZIE KING:

I should like to finish first what I have to say. If the bill did not go any further than that I imagine many hon. members on this side would, in view of the special circumstances mentioned by the minister, be agreeable to the government having the special powers which it is asking for in this bill. The former Minister of Justice (Mr. Lapointe) has however pointed out that while this bill seeks to remove the superintendent, the wardens, the deputy wardens and guards from the control of the civil service, it seeks also to take out from that control practically the entire staff of the penitentiaries branch of the Department of Justice. One section of the bill provides that the governor in council may appoint inspectors, wardens, deputy wardens and other officers and in addition, such officers, clerks and employees as are necessary for the proper conduct of the business of the penitentiaries branch of the Department of Justice. Unless the minister has his bill amended in these particulars, all these clerks and officials including a purchasing agent, will be taken out from under the control of the commission. The bill provides also that the governor in council shall approve the salaries to be paid to these different officials. These clerks and officials are similar to the clerks and officials in other departments of the public service, and there is no more reason why they should be taken out from under the provisions of the Civil Service Act, upon special or other grounds, than there is for taking out from under the provisions of that act the officials of the Department of National Defence, the Department of Railways and Canals, the Department of Trade and Commerce or any other department of the public service. If my right hon. friend has been speaking on behalf of the ministry of which he is a member, I suppose we can assume that the Minister of Justice intends to amend the bill.

MR. SMITH, continued.

Mr. Speaker, sir:

I should like to finish first what I have to say. If the bill did not go any further than [illegible] on this side would, in view of the special circumstances mentioned by the minister, be agreeable to the government having the special power which it is asking for in the bill. The second [illegible] (Mr. Lecours) has shown so clearly that while this bill seeks to remove the superintendent, the wardens, the [illegible] from the control of the civil service, it seems also to make out from that control practically the action staff of the penitentiaries branch [illegible] provinces in which [illegible], wardens, deputy wardens [illegible], such officers, clerks and employees [illegible] branch of the Department of Justice. Unless the minister [illegible] the bill amended in these particulars, all [illegible] including a promoting agent, will be taken out from under the civil service [illegible] Unless the minister can tell the committee why they should be taken out from under the new terms of the Civil Service Act, upon special or other grounds, then there is [illegible] from under the provisions of that act the officials of the penitentiary branch, the Department of Railway and Canals, the Department of Trade and Commerce, the Department of Justice [illegible] the Minister of Justice intends to amend the bill.

MR. W. L. MACKENZIE KING: [illegible] Mr. Speaker, [illegible]

HON GEORGE PERLEY: No. I am simply supporting my colleague the Minister of Justice in connection with this very necessary legislation.

MR. MACKENZIE KING: Apparently the government hoped to get this bill through second reading without opposition by giving us the tender assurance that such was all the was being asked for. We find now that the government is asking for something more; It is seeking to take out from under the provisions of the Civil Service Act large numbers of clerks, officials and others who are not connected in any way with the actual administration and management of the penitentiaries. If such is the view, we will find it necessary to continue to oppose this measure as strongly as possible on its second reading.

MR CHARLES STEWART (West Edmonton) Mr. Speaker, I just wish to say that I do not agree with either my leader (Mr. Mackenzie King) or the former Minister of Justice (Mr. Lapointe); as far as I am concerned, I am opposed to the whole bill and intend to vote against it. I may have some doubts as to the superintendent, but I have no doubts as to the other officials. I look upon this bill as an attempt on the part of the government to take a large number of officers out from under the control of the Civil Service Act. I have not heard one single word in explantion of why these officials should be removed. The statement has been made that a better class of civil servant could be employed if the appointments were taken away from the Civil Service Commission, but I cannot understand why the Civil Service Commissions should not be efficient in one department when it is efficient in others. A great majority of the selections made to-day are made upon the recommendations of the officers in charge or of the men under whom the appointees would work, and until further reasons are given as to why a change should be made in this method, I propose to vote against the bill.

HON. HUGH GUTHRIE (MINISTER OF JUSTICE): Mr. Speaker, there are just one or two remarks I wish to make, particularly with regard to the superintendent. A rather embittered censure has been made of this official by the hon. member for Kingston (Mr. Ross), the hon. member for Quebec South (Mr. Power) and the hon. member for West Lambton (Mr. Gray). Replying to these hon. gentlemen, I might say that this official is an appointee of the Civil Service Commission. I knew of General Ormond by name and reputation but I never had the pleasure of meeting him personally until after he was appointed last August. The Civil Service Commission proceeds by way of advertisement and examination of applicants and recommended the appointment of General Ormond. I have no reason to regret his appointment. From all I can gather, in the eight or nine months he has been acting as superintendent of penitentiaries, he has done excellent work; he has devoted himself at the rate of probably eighteen hours a day to the work of those institutions and has produced a tremendous improvement throughout all the penitentiary systems in Canada. An exaggerated idea was, I think, conveyed by the three honourable members who discussed that clause in the superintendent's report in reference to returned soldiers. I see no object in exaggerating matters of that kind as has been done to-day.

Mr. MACKENZIE (VANCOUVER): The statement speaks for itself.

MR. GUTHRIE: It might have been well had that not been in the report; but it is there and everybody concerned has read it. I see no reason, however, for the use of such language as has been used in the house to-day in regard to that particular statement.

Regarding the statement of the hon. member for West Lambton (Mr. Gray) about returned soldiers, as I intimated when I moved this resolution, a large number of returned soldiers will certainly be employed, but it will be very difficult to apply to guards

HON. MR. GUTHRIE:

and other officials in penitentiaries the particular section of the Civil Service Act which gives preference to returned soldiers. The preference includes disabled men, and the greater the disability, the greater the preference. That would hardly apply to the class of men we desire to secure in our penitentiaries.

MR. CHEVRIER: That is true within reason.

MR. GUTHRIE: That is the language of the act, but I am in favour, so far as we can do so, of employing practically all returned men. We cannot, however, employ pensioners who have been disabled--that, I think, goes without any further argument--for positions of the kind to which I have referred, such as wardens, keepers and guards in our penitentiaries.

The other point with which I wish to deal is that the officials regard as whom I feel chiefly concerned, and perhaps the only ones, are those who are in actual control in the penitentiaries. There is a very limited staff outside the penitentiary walls; there is a headquarters branch where there is a purchasing agent and one or two clerks, and then there is the general headquarters branch where there are some stenographers, bookkeepers, auditors and the like. I am not going to press that these be taken from the jurisdiction of the Civil Service Commission. The only ones that I have any desire to remove from its jurisdiction are those actually in the penitentiaries in administrative positions and the superintendent and inspectors who are called upon to visit the penitentiaries and to work in connection with those staffs.

I was glad indeed to hear the remarks of the hon. member for Quebec East (Mr. Lapointe) in regard to those particular appointments. He feels, as I do, that those men occupy positions of great risk and danger and when anything happens such as did happen in Kingston

last fall or in St. Vincent de Paul, naturally, the blame rests upon the shoulders of the head of the department or the minister. The minister at the same time is not permitted to make the appointment of the officials who are to use their efforts to secure the safety of those institutions. I would not have the slightest objection to the bill being amended so as to confine it to persons actually engaged in the penitentiaries, excluding the branch at Ottawa. The important part is the institution and not the branch. I thought the bill would get a second reading without division, but we are prepared to rest on the bill as it is presented and do any amending in committee.

Motion agreed to on division, bill read the second time and the house went into committee thereon, Mr. Gagnon in the chair.

On section 1 --Governor in council to appoint inspectors, wardens officers and clerks.

Mr. MACKENZIE (Vancouver): In concluding the debate on the second reading of the bill, the minister referred to certain exaggerations by three hon. members regarding the report made by the superintendent re Kingston penitentiary disturbances, 1932. The language of the report speaks vividly and lucidly for itself, and I am sure the Minister of Justice could not accuse any hon. member on whichever side of the house he might be of indulging in exaggeration in regard to the conduct of an official of the government and of parliament and of the people of Canada who would use the language quoted by the hon member for Quebec South. Let me quote only two lines of it as follows:

> Having terminated from three to five years' service with the rank of private, which would indicate that they had reached their limit in military advancement, and could not be expected to show a higher standard in civil life.

I am sure the minister does not agree with that statement.

Mr. GUTHRIE: I would not have used that language.

Mr. MACKENZIE (Vancouver): Neither would any other minister have used it, and I maintain that a superintendent of penitentiaries who would use such language as that in a government report should be dismissed from his position, because it shows a bad example to the people of Canada. This is not a partisan question. I am sure any hon. gentleman opposite would agree with me that this language should not find its way into a government report, and therefore I was surprised to hear the Minister of Justice suggest that those who spoke from this side this afternoon had been indulging in exaggeration. I do not think the English language contains words sufficiently strong to condemn the attitude and language of General Ormond as evidenced by the statement that I have read to the committee. He has been condemned by the country, condemned by the house, and he should be removed from his position immediately.

Mr. CHEVRIER: Now that the governor in council may appoint a superintendent of penitentiaries, perhaps the minister will say upon whose recommendation and in what manner he will be appointed. Is it intended to follow the regulations laid down by the Civil Service Commission as to the qualifications of a superintendent of penitentiaries the lines of promotion, compensation, and the manner in which the appointment shall be made?

Mr. GUTHRIE: It will be taken from the Civil Service Act and follow the Penitentiary Act. It will be done on the recommendation of the minister of justice for the time being, whoever he may be.

Mr. CHEVRIER: So that there will be no regard for the present qualifications?

Mr. GUTHRIE: Not the qualifications under the Civil Service Act. Such qualifications would not be binding because they do not apply.

Mr. CHEVRIER: Will the minister say what will happen in the case of superannuation? If the minister says that superannuation will go with the position, then the superintendent, being outside the superannuation law, cannot get superannuation.

Mr. GUTHRIE: We may have to amend the Superannuation Act.

Mr. CHEVRIER: Is that conducive to uniformity of law in the service?

Mr, GUTHRIE: I do not think it will hurt it.

Mr. CHEVRIER: I might ask the same question as to the other officials.

Mr. GUTHRIE: I think they will all have to come in.

Mr. CHEVRIER: Then the whole Civil Service Superannuation Act will have to be jamboreed again to meet this particular purpose.

Mr. STANLEY: I wish to say a word in regard to General Ormond. I have no particular brief for him. I knew him in my political life in Alberta many years ago when he was a very strong opponent of the side to which I belonged; he took an active part in politics and was always on the opposing side. During the election of 1930 he had the pleasure of voting against me. Politically speaking, therefore, I have no axe to grind in saying a word on his behalf. I would not want it to be understood that in voting against me in 1930 he used his position in any offensive way. Certainly no accusation of partisanship can be levelled against him. A bitter personal attack has been made on General Ormond in this house to-day. It has always seemed to me that it is not a

proper practice to attack a member of the public service in this house where he has no opportunity to speak for himself, particularly when it is a matter of extracting a few words out of a report and giving them an interpretation to suit the convenience of the occasion without the man accused having the opportunity to defend himself.

When General Ormond was attached to the militia department he was highly respected by the individual private soldiers. I am speaking from what I know in the city of Calgary when General Ormond was officer commanding military district No.13. Although we have had a number of distinguished soldiers in charge of that military district I am safe in saying that no other man who occupied that position held the respect of the individual soldiers and of the militia in Calgary and district to a higher degree than did General Ormond. As I said, I have no political axe to grind on his behalf. How he got his appointment is nothing to me, but certainly he did not get it because he belonged to the political party to which I belong. I presume his appointment came through the Civil Service Commission, as it should, because of his merit. But this I do wish to say, that the bitter attack that has been made on him to-day is not justified by his record in connection with the soldiers of Canada during his term of office in Calgary.

Mr. POWER: I have never suggested that any attack which I made on General Ormond was justified by anything other than the statements he made in his official capacity in the report submitted to parliament. As to General Ormond's conduct before he was appointed to his present position I know nothing, but I am informed that he was a good officer and that he served his country faithfully and well during the war. Now I am informed that he is a Liberal. It is too bad that he allowed his principles to go astray when he joined the government service, but

apparently that is what he did, judging by the observations which he makes in this report. My opposition to General Ormond is based purely on the report which appears as a public document. I entirely agree with the hon. member for East Calgary that it is most unfair to attack a public official who cannot defend himself, but General Ormond took it upon himself to lay this statement before the public of Canada and to cast a slur on about six hundred thousand men who cannot defend themselves either. He used his position to cast a slur, and whatever interpretation my hon. friend from East Calgary (Mr.Stanley) or the Minister of Justice can give other than it was a slur on these men I am unable to understand.

The Minister of Justice (Mr. Guthrie) said that the thing was exaggerated. I said nothing other than was stated in the report itself. It is an official report. The Minister of Justice himself saw this report, before it was presented to parliament, and I would have thought that the minister would reprimand his official for having made any such slurs in a document to be presented to the Canadian people. This is more important than perhaps it would appear. We are now placing in an official document, which is going to remain in the archives of this house and in the archives of this country, a deliberate insult on six hundred thousand of the finest flower of our manhood who went overseas. It is bad enough, heaven knows, that this session will be marked in the minds of the returned soldiers in Canada as the blackest session since the war. It is bad enough to take away their preference. It is bad enough to repudiate the most sacred of national obligations by taking away pensions from some of them, without our permitting the grossest and most exaggerated statements, statements that are false,

to be made against the troops, insulting the men who served their country overseas. I should think it would make every soldier on the other side rise up and defend his comrades.

Mr. STEWART (Lethbridge): I think I can safely say that since the war I have been busier looking after my own reputation and character so far as my soldier life was concerned than I have been in condemning the action and reputation of any other man serving in France. I believe it is my privilege to have known General Ormond longer than any other member in this house -- some twenty-two odd years. I knew him when he served as major and adjutant of his battalion, and I also had some relationships with him when he was in command of the Ninth Infantry brigade. So I think I can speak from experience in regard to some of the things that have been said this afternoon, because I carried a rifle as a private soldier longer I believe than any other member of this house, and any remarks which might be made against the reputation of the private soldier would necessarily affect one like myself who had had some experience as a private.

At six o'clock the committee took recess.

The Committee resumed at 8 O'clock

Mr. STEWART (Lethbridge): Mr. Chairman, when the committee rose at six o'clock I was pointing out that it has been my privilege to have some experience as a private soldier, and also to serve in other situations in the army, and as a result of such experience, I will say that a man who is a private in the army needs to have just as much initiative as, and possibly should be able to act more quickly than, a man who has heavier responsibility. If ever a man should feel entitled to hold up his head and stick out his chest, as it were, it is after he has fulfilled his duties as a private in the ranks. Having said that, I think

[illegible] Chairman, I [illegible] the [illegible] [illegible] [illegible]

I may safely add that no man who occupies a responsible position in the army could properly carry out any of the objects or duties assigned to him unless he had the support and copperation of those who were serving with him as privates, gunners and drivers.

Having been an active member of two returned soldier organizations since the war, and having spent considerable time in their club rooms, visiting them quite frequently, as a member both of the legion and of the Army and Navy Veterans, I regard it as a peculiar thing that not one word of protest has reached me regarding the statements made in the penitentiary report by General Ormond. Consequently I am forced to the conclusion that the returned soldiers do not place upon that report the interpretation placed upon it by some hon. members this afternoon.

Mr. GRAY: You have a good imagination.

Mr. STEWART (Lethbridge): It may be imagination, but I tell my hon. friend from West Lambton (Mr. Gray) that I am as closely in touch with the private soldier as he is, and not one man in the province of Alberta has sent a protest to me concerning this report.

I have known General Ormond for a great many years. He used to live in the adjacent constituency, and one thing that the Conservatives could always rely upon was that he would lead the Liberal forced against us. Consequently, as far as this appointment is concerned, I think I am safe in saying that it was made strictly by the Civil Service Commission. General Ormond has always been a close friend of mine, and I think he carried out his duties as a junior officer just as efficiently as he did those of a senior officer. In regard to the statement of the hon. member for West Lambton - I am glad to see that he is present this evening - I am sure that with his customary fairness not only to

members of this house but to a comrade, a returned soldier, he will not take it amiss from me if I correct the statement he made this afternoon with reference to General Ormond. It happens that General Ormond and myself were in the same division; we were moving over from France at the time. When the trouble was on at Rhyl, General Ormond was in command at Ripon, and in order to make some headway towards overcoming the trouble at Rhyl, General Ormond was sent there in command to see if he could do something to set matters right.

Mr. GRAY: He was there while the riot was on.

Mr. STEWART (Lethbridge): He arrived there when the riot was at its height, but he was sent for from Ripon to Rhyl; consequently I think it was a great commendation of his ability as a leader.

Mr. GRAY: I was going to qualify my remark and to say that there were some riots he missed - there were several he was in - but now I do not think I will qualify it.

Mr. STEWART (Lethbridge): I wish to treat the hon. gentleman's statement with all fairness --

Mr. GRAY: I am certainly not reflecting on the hon. gentleman.

Mr. STEWART (Lethbridge): I think in all fairness to the returned soldiers that the situation with regard to Rhyl should be explained.

Mr. GRAY: I will take it under consideration.

Mr. STEWART (Lethbridge): I will have to leave the hon. gentleman to follow his own course and the dictates of his own conscience. The action of the returned soldiers clearly shows that they do not place the same interpretation upon the report as that given by my hon. friend.

Mr. STITT (Nelson): I wish to join with the speaker who has just

[illegible] of his house was in a concern, a retired soldier, he will not [illegible] it among them as if I entered the [illegible] as much time afterwards with reference to [illegible] Dmond. It happens that General Dmond and myself were [illegible] on were moving over from France at the time. Then the [illegible] was at Aix. General Dmond was in command at Aigue, and he [illegible] in his home [illegible] overcoming the trouble at Aix. General Dmond [illegible] was anxious to see if he would do something [illegible] matter right.

Mr. [illegible]: He was [illegible] the right man.

Mr. [illegible]: He evaded them when the [illegible] was at his [illegible], but he was sent [illegible] from [illegible] to Aix; consequently I think it was a [illegible] consideration of his quality as a leader.

Mr. [illegible]: I am [illegible] to qualify my remark and to say that there were some [illegible] in minor - there were several he was in - but now I do not [illegible] I will [illegible] it.

Mr. [illegible] (Cambridge): I wish to thank the hon. gentleman [illegible] with all [illegible] --

Mr. [illegible]: I am [illegible] you reflecting on the hon. gentleman.

Mr. [illegible] (Cambridge): I think in all fairness to the [illegible] gentleman [illegible] the situation with regard to [illegible] should be [illegible].

Mr. [illegible]: I will take it under consideration.

Mr. [illegible] (Cambridge): I will have to leave the hon. [illegible] to follow his own course and [illegible] of his own [illegible].

Mr. [illegible] (Montreal): [illegible] that they do not [illegible] (Cambridge) [illegible] be [illegible] in [illegible].

Mr. [illegible] (Montreal): I rise on [illegible] the [illegible]

taken his seat (Mr. Stewart (Lethbridge). I happen to know Brigadier General Ormond. I went through Rhyl, arriving there I think the day after the riot. The riot of course was due to a misunderstanding which circulated about Rhyl that British bottoms were being used to carry American troops home while the Canadian troops were left lying around the base. I well remember when General Ormond came there, I think by airplane, and he did not take long to get the situation straightened out. I have always known him as a very fine type of citizen and a good officer, but I certainly agree, with what hon. members on the other side of the house have said in regard to that statement as to the private soldier not being qualified to hold a position as prison guard. I take that stand as one who enlisted as a private soldier and spent some two years as such in France. The point I would like clear up by the minister is whether or not we are to take it from that statement that no man who has served in the army as a private soldier is to be considered for a position as prison guard. That is the only logical inference I can draw from the statement; if I am wrong, I hope someone will put me right. If it is a proper inference, it would put me in a very difficult position in voting on this bill, so I hope the minister will clear it up.

Mr. GUTHRIE: I might clear that up at once, Mr. Chairman. The expression which has been referred to was unfortunate, but it was used inadvertently. There is no doubt it had application to certain men on the staff of the Kingston penitentiary, and had not and was not intended to have any general application.

Mr. GRAY: There was no qualification.

Mr. GUTHRIE: Will the hon. member pardon me until I give my interpretation? It was not intended to have any general application to the

men who served this country at the front. I can assure my hon. friend it will have no application in the future.

Mr. MITCHELL: In view of the apology that has been made for the writer of this report, I think he should be asked to withdraw that statement. I believe this House of Commons should insist that that be done, that in doing so it would reflect the view of the people of this country. Because after all it is not like some observations made by members here this afternoon - it was not ex tempore, it was studied. Notwithstanding what the Minister of Justice has said, it reflects the studied opinion of a military officer in charge of our penitentiaries as to the inferiority of the private soldier and his unfitness to hold a position in a penitentiary. It is not merely an offhand expression of opinion; it is in a report. It has been said that there has been no objection from the returned soldiers. That can be readily understood as due to the fact that this report has not received as wide circulation as it might have. I know something of the temper and outlook of the average man who served in the forces, and had this report received the publicity it should have, in view of the statement contained therein, the government and the minister in charge of this department would have received plenty of criticism from the returned soldiers' organizations.

Mr. ROSS: Mr. Chairman, perhaps I may be pardoned for referring for a few moments to the report with regard to what the superintendent calls the riots in the Kingston penitentiary. First I should like to direct attention to the fact that there is no institution known as the Kingston penitentiary; it is the Portsmouth penitentiary, but perhaps we can pardon inexperience in that regard.

My good friend who sits behind me said we were talking about a man

who has no chance to reply. I am not going to attack any military man on his service; God knows we had enough to do to hold our own, and we did the best we could. But I am going to attack a man who makes a report on penitentiary riots, and I am ignoring the fact that he is a returned man. If it is not fair to criticize him in this house what recourse have those men who have been dismissed without a hearing? What can a guard do who has been dismissed by the superintendent and put in a black list so that he cannot be employed in any other department for fourteen years? What can a deputy warden do, though he gave twenty-eight years service to this institution and had not a mark against him? He is written up in this report; he has had no chance to defend himself or even had a public hearing where he could say that the charges made against him, to which I am going to refer, are false? If it is unfair to attack this gentleman certainly it is unfair to these people to be dismissed without a hearing and without an opportunity to defend themselves.

In this report the superintendent of penitentiaries even went into past complaints, things that did not affect him at all, and men were dismissed for those reasons without a chance to defend themselves. They discharged a messenger who had given eight years service, a man who simply went where the warden sent him. His father had been in that institution for fifty-two years; his uncle had been there for forty-three years. His grandfather had seen twenty-seven years service: that makes a total of one hundred and thirty years of service given by this family, but this man was discharged, and the reason given was this his education was deficient. What is the history of the case? The history which is a proud one, shows that this charge is puerile. Two of the boys were educated as doctors; one was educated as a priest and the only girl in the family is the bursar of the Hotel Dieu, which is one

of the largest institutions of its kind in our city. This boy went through public school; for eleven years he worked for the largest departmental institutions in Kingston, but now he is put out because of deficient education.

These poor fellows had no chance to defend themselves; they were given their papers and let go. This gentleman threatened them with instant dismissal if they dared go near a member of parliament with their complaints. When a man is dismissed from a public institution - and there have been forty or fifty in the last three or four months - where is he to go for redress if not to his member of parliament? Who else can take up these cases? For the last twenty years these men have been told that if they dared go near a member of parliament they would be dismissed instantly; that is the sort of thing that has been going on. I have no criticism of this man as a soldier; his record is good, but as the writer of reports on penitentiary riots certainly he has fallen down.

I had hoped that this gentleman would be fair. He knows the treatment given even a private in the army when he is charged with some misdemeanour. You cannot punish any private in the army unless you bring him before a court martial, where he can defend himself and where he will be represented by counsel. This man, however, refuses even a hearing to his discharged employees. I thought the last administration was pretty bad in its treatment of the guards, but under this gentleman this administration is even worse. After hearing about 650 convicts without being able to locate the two or three leaders in the riot, this man called in the guards and swore them to secrecy so that they would not dare tell what he questioned them about. Can any fairminded man, any British citizen in this country, imagine that sort of treatment, under

which a guard is taken in and sworn to secrecy and then, three or four days later, is discharged? This is the treatment that has been given, and that is why I am protesting to-night.

This is a onesided report; it is misleading; it misrepresents and distorts the facts, and it is brutal and unfair in its treatment of these people. I am going to prove those statements. I know if the Minister of Justice or the Ex-Minister of Justice had the facts before them something would be done, but as they say they must stand behind their officials. At the same time there should be some investigation if they are getting untrue reports. In this connection I might refer to a report filed here a year ago with regard to these brokers. They were supposed to be working, mixing cement, digging roads and ditches, and so on, but they did that work only after the question was asked in this house. I have a sworn statement here, which I should like to read:

> When the brokers came to Collins Bay they were put on duty as waiters in the officers' mess --

I hope neither the Minister of Justice nor the ex-Minister of Justice will take this as persona; I hope they will understand that is the truth, which was not stated in the reports furnished them.

> --causing the former waiters, who were perfectly satisfactory to lose their jobs, and as a result they were put in the "bull gangs," digging and excavating. Stobie --

I hope I will be forgiven for mentioning names, but it must come out.

> --was put in the officers' mess. Forlong was made secretary to the deputy warden, Young was made secretary to the chief trade instructor while Bill Smart was secretary to the chief engineer. Shutt was found a position in the general offices. Campbell was appointed librarian to look after the library, which consisted of about twelve books, his duty being to take in and give out the said books.

Now I am going to refer to the report in general, and first I will

have a word to say as to the general conclusions. As a report this is not worth the paper on which it is written. After spending three or four months hearing the stories of 650 convicts and swearing the guards to secrecy, what were the conclusions arrived at by this gentleman? These are the conclusions:

1. Insufficient supervision covering a period of not less than ten years.

Must I defend my good friend the present Minister of Justice and my hon. friend the ex-Minister of Justice on this charge?

2. Insufficient and inefficient inspection covering not less than a period of ten years.

This young gallant from the west, riding through, certainly has some idea of himself.

Mr.ROSS: Why should guards be dismissed on this account?

3. Inefficient officers being retained on the staff of Kingston penitentiary.

4. Lack of knowledge of, and familiarity with, penitentiary rules and regulations.

I do not suppose he knew what they were when he wrote this.

5. The desire on the part of certain long term convicts to have less rigorous rules and regulations endorsed within the penitentiary.

This is a peach. If any of us were in there would he not endorse that? Just imagine.

6. A plot or scheme on the part of certain convicts to escape from the penitentiary.

Well, I have never known a year when there was not a plot or something of that kind among inmates to escape from the penitentiary.

7. Admission in the Kingston penitentiary during the month of February, 1932, of certain convicts who were especially adept in organizing and inciting disturbances against constituted authority.

Where else would you send such people?

Mr. LAPOINTE: They are bad boys.

Mr. ROSS: The next is:

8. Deprivation of convicts of cigarette papers and fine cut tobacco, pipe tobacco being an authorized issue.

9. The large number of young and irresponsible convicts who are now confined in Kingston penitentiary, many of whom have had experience in reformatories in Canada and elsewhere.

If this is correct, it is one of the most damning things in the whole service, that boys who have been in reformatories have so soon gone to penitentiaries.

10. The monotony of penitentiary confinement.

11. I am also of the opinion that two or three convicts, whose identity has not been disclosed up to the present time, are the principal organizers of the outbreak.

Mr. LAPOINTE: He does not know who they are.

Mr. ROSS: No. If he had gone to any six guards, to any one guard in the penitentiary, he would have been told who the ringleaders were, without having to spend all this money and take up so much time. Now let us see what the complaints are which were received from these 650 convicts. Here they are:

1. Deprivation of cigarette papers.

If that is one of the causes of the riot, they have been given this article and therefore they were not justified. He refused it and now endeavours to excuse himself by saying that one warden did not agree with that.

2. Close-cropping of hair.
3. Lack of recreation and amusement.

He declares that when he went there he noticed that these convicts were washed out, but he was not there very long before he found that there was more life in them than anyone could imagine.

4. Insufficient open air exercise.
5. Lack of newspapers and magazines.

These fellows did not only want the Globe and the Mail; they wanted their own home papers supplied them.

6. Insufficient lighting in cells.
7. Harsh treatment by officers.
8. Compulsory church attendance.

That must be true, because since the riot there has never been a church parade.

9. Insufficient medical treatment.
10. Insufficient dental treatment.

Who was to blame? He was going to fire both the doctor and the dentist but he found that headquarters had something to do with it.

11. Lack of toilet articles, combs and mirrors --

And cosmetics too, I suppose.

12. Punishments improperly awarded for breach of rules.
13. More frequent letters to and from convicts.
14. Increased number of visits to convicts.
15. Lack of paroles.
16. Objection to steam-cooked food and monotony of prison diet.

Now these things have all been given them, and yet these complaints are set down as leading up to the trouble. Let me now refer to something else. As hon. members know, there is a female prison up there which cost $750,000. There is a high wall around it, as high as the wall around the other prison, and outside of that there is a formidable wire fence. I said to the architect one day, "What is the idea of this fence? Are the women better climbers?" He said, "No; that is to keep those outside from coming in. There is too much of a demand to get into the penitentiary to-day." And why not? Think of the treatment the prisoners get at Christmas. During the Christmas season, when there were so many hungry people in this country, and many of those who were doing their best to obey the law were without food and clothing, these

fellows had a magnificent Christmas dinner and after that dinner each one was given his little Christmas stocking containing a pound of mixed candy, a pound of chocolate, a pound of mixed nuts, a pound of grapes and oranges, bananas and so forth. These fellows who had no regard for law received this treatment; and more than that to each one was sent a christmas card, wishing him a merry Christmas and a happy new year.

Now we are told that we must not say anything about this man who cannot answer; yet in that report, I say, there is an attack on Inspector Smith which is most brutal and un-British. Nothing can surpass it except the treatment which the Iroquois gave their victims, when they could pour boiling water over them. Nothing, I say, could surpass the treatment this man has given Inspector Smith. Remember, he is only an inspector, acting warden, and not at all responsible; yet this is the way he is treated; the knife is thrust in and turned round and round so as to kill him. The idea is to destroy him for good. What did Smith do? This report states that Smith put himself in the hands of the convicts. He followed the procedure laid down by the regulations. These troubles have always been treated by either the deputy warden or the warden going down and talking to the convicts. According to the report Smith was a terrible coward and did many things he should not have done. I do not know Inspector Smith because I never had more than a couple of dozen words with him, but I like to see British fair play. He was doing just what had always been done; he went down to meet these fellows after having been sent for by the deputy warden. What happened when he talked to these men? They went back to their cells. Has similar action been taken in other cases? I should like to quote from Recollections of a Prison Governor by Lieutenant Colonel C.E.F. Rich, as follows:

It was at this stage of the affair that I, trembling in every limb with Blue funk, sailed into the middle of a seething and blasphemous mass of convicts armed with sticks and stones, all only waiting for one of their number to throw a brick or strike a blow, when the fat would immediately have been in the fire. However, I managed somehow to conceal the fear I felt, and, with a flow of language which I flatter myself was equal to anything that even my practised charges could muster, I bluffed the assemblage to such good purpose that they actually got into some sort of order.

If Smith had not settled this trouble as he did he might have been criticized. This report goes on to heap further indignities upon Smith by saying that he obligated the superintendent. Such a statement is unfair. The only thing Inspector Smith promised was that these men would get a hearing. The report states that the officials were all in a funk, that they were amazed and dazed and did not know what they were doing. What amazed them? This thing had been going on for three days and they had been under the greatest stress and strain. This man came in and started to find fault and began to use language such as "God damn your soul."

The CHAIRMAN: Order.

Mr. ROSS: I am using the words exactly as they were said. If they are not true, they can be refuted, but they will not be refuted by the men who were there and heard them. Similar language was used to the clerks and everybody else.

Mr. LAPOINTE: Was he addressing convicts or guards?

Mr. ROSS: He never went near the convicts.

An hon. MEMBER: Who was that, Ormond?

Mr. ROSS: It was Ormond, and that was the language he used. Then he goes on and reviles the deputy warden, a man with twenty-eight years' of service. He charges him with two or three things, such as being down in the yard with a shotgun on his shoulder. Anything to heap

indignity upon these fellows. These men have never been given a chance to reply to these charges. He states that the deputy warden changed this man Behan without orders. The deputy warden absolutely denies this charge, but he cannot get a hearing.

Mr. Chairman, I am treating this matter with some heat, but these people are my constituents. This matter does not affect any other hon. member in this house. These questions will be answered and the answer will be given at election time. I am going to see that these men are given a hearing and permitted to state their case. The report states that these things date back for ten years. Every year we have had rumours of prospective riots but the men in charge have handled them in such a manner that they never occurred. To accomplish this result they adopted the procedure now condemnad by the superintendent. I have never been a worshipper or follower of Hughes or Ponsford but let me say that no riots occurred under Hughes and Ponsford. How can he say that these things date back ten years? On reading the files I find that the ages of the men brought up for trial were twenty years, twenty-one years, twenty-two years and so on. Where were those boys ten years ago? On their mother's knees. What is the use of talking of ten years ago?

He then goes on to speak of firearms. Apparently he does not know that in the interests of economy the government took off the armourer and these men had to take care of the firearms themselves. I am not interested in the communists or other bad elements in the penitentiaries, but I predict that if firearms are supplied freely and these men are instructed to fire just as quickly as they can pull the bold and load, there is going to be trouble just as sure as day follows night.

When it does occur it will be very difficult to explain, because public opinion is against the taking of life by firearms. The superintendent puts all these things down as causes for the trouble, but he has not struck the real cause. In my opinion the real cause of the trouble has been the failure to fill vacant positions. The treasury board say that they do not feel like paying out the money to fill these positions. As far back as the regime of the former Minister of Justice (Mr. Lapointe), Ponsford was kept for years without a deputy warden and a chief ~~xx~~ inspector. It is quite true there were acting officials, but an acting official has not the power and authority of one who is duly appointed. There were not outbreaks until this man came along, and from then on there was a continuous trail of them. I blame the superintendent for these riots, and I charge him with being the cause.

Mr. STANLEY: The new superintendent?

Mr. ROSS: The hon. member does not know anything about penitentiaries. When he rises to ask a question, I will answer it. When the superintendent made his first visit to that institution, there were six or seven men there who had been connected with the riot in the stone gang. Those fellows were very bad actors and they were being kept in isolation. He released all but one. Most of them have been put down now by his own official and representative as the ringleaders in the last riot. Under an experienced person those men would not have been released until a better disposition of their case had been made. Fortunately one man not named was not released; if he had been there would have been bloodshed, because he has not yet taken part in anything without blood being shed.

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[illegible]

When the superintendent arrived on the occasion of the second riot,

he was to have heard those convicts, but instead of doing that, I am told that he spent his time searching the criminal code for some provision under which he could prosecute the mayor of the city of Kingston. Surely no government official has any right to go into a man's private residence and quarrel with him; nor has one the right to go into a private citizen's residence at midnight, though this was not done in this case, but in another. The citizens of this country have some rights.

Mr. BEAUBIEN: Did the superintendent do that?

Mr. ROSS: The superintendent visited the mayor. These prisoners were promised a hearing, but though time was valuable then, several days elapsed without any hearing. They asked that a deputation be permitted to see him, but he refused. The deputy warden kept warning him that these men were getting restless, out of hand, and could not be controlled. Then he did hear one or two of them separately, and the outbreak occurred. No one but himself was responsible for the second riot.

I pointed out to the officials at the top that there was danger ahead; that this penitentiary was so crowded that men were sleeping in the corridors. At the time ninety men were sleeping in the corridors with all possible means of contact and nothing yet has been done in the way of lessening that evil. There is something at the bottom of all this trouble and I have repeatedly pointed out what I think it is. Let me illustrate: On one occasion a boy fifteen years of age and wearing knee breeches, was brought into the penitentiary accompanied by a six-footer. What was the trouble? This man had arrived at the boy's home on the bay of Quinte. The boy knew no crime, no wrong. It is true that his father was not all he should have been, but the boy had never gone wrong. He had a dog and a sleigh, and the man coaxed him one day

to hitch his dog to the sleigh and come along with him. The boy escorted the man across the bay to a summer camp and some things were stolen from it. Along with this man that fifteen year old boy went to Portsmouth penitentiary for two or three years. This boy did not know that he had done wrong, and when he arrived at the institution in those knee breeches, he burst into tears. What was his reason? "I am afraid", he said, "that nobody will feed my dog." That boy knew no crime until he got into that penitentiary; now he is there on his fourth commitment and he stands to-day as one of the ringleaders of this riot. Who is responsible for such a situation?

Mr. STANLEY: The present superintendent.

Mr. ROSS: Don't be so smart. If the hon. member cannot talk sense, let him be silent. Who is responsible for a condition of that kind? That boy is now languishing in the Kingston gaol waiting to be tried as one of the ringleaders. Let us get down to the basic causes and stop these young boys from being sent to penitentiaries, and in that way the number of criminals will be lessened. Once a boy enters this institution, if he is allowed to finish his sentence, he is done. This superintendent comes in without experience and writes up the causes of riots, when the penitentiaries are filled to overflowing with boys of eighteen, seventeen, twenty, twenty-two years of age; these are boys who are first sent to a reformatory and then, if they escape from there, they are sent to the penitentiary. From then on they are finished; they are in the professional class. Such facts mean more to me than the swallowing of a wishy-washy report such as the one before us. Had this superintendent waited until he had gotten his feet and learned conditions, I am satisfied he would have written a report far different from this one. But no matter what my good friends behind me think,

this is my constituency; I am responsible for it; hon. members do not understand conditions, and if they knew the actions of the superintendent when he visited the penitentiary; if they knew other things that should be brought out into the open, they would come to the conclusion, just as I have, that he is not a fit and proper person for this position.

Mr. BUTHRIE: I did not expect in the committee stage of this bill we were going to go into the question of the penitentiary riots, but there are a few statements of my hon. friend from Kingston (Mr. Ross) which I can answer without the papers which I should otherwise have had before me. I have been aware for some time that the hon. member for Kingston was not very complimentary to the gentleman who was selected and put into office on August 1 of last year as Superintendent of Penitentiaries of the Dominion of Canada. I am just as fully aware from my hon. friend himself that he was just as unfavourably impressed by the superintendent who for ten years preceded the present appointee. Perhaps some day we may get a superintendent exactly in accordance with the ideas of my hon. friend, but it is evident we did not succeed in the choice of the late superintendent and we have not, or the Civil Service Commission has not succeeded in selecting a suitable man in the present instance, according to the views of the hon. member for Kingston.

My hon. friend mentioned a serious affair which occurred in the Portsmouth penitentiary in the month of August, 1931. A very serious plot, involving some six or seven dangerous prisoners, was discovered through one of those prisoners implicated getting cold feet, as the saying is in the penitentiary, and informing the guards or the warden of what was contemplated for the following day. The prisoners were all immediately locked up; a search was made; certain knives and other

dangerous weapons were discovered and the plot was frustrated. That was a year before the present superintendent took office. Under the regime of former Warden Ponsford and Superintendent Hughes these seven or eight prisoners were confined in isolated cells. When the new superintendent took office and made his first visit to the penitentiary some time in August last year he made inquiry as to who occupied the punishment cells, and was informed in regard to these seven or eight prisoners and the length of time they had been in punishment cells. I understand that after consultation with the officials the superintendent ordered the release of six or seven of these prisoners, leaving only one man, known in that prison as two-gun O'Brien, in the special confinement cells. My hon. friend the member for Kingston suggests that the release of these seven or eight prisoners by the superintendent after they had been over a year in confinement precipitated the riot in Kingston penitentiary. All I can tell my friend is that his suggestion is absurd.

He has criticized the superintendent's report on the happenings at Kingston made after a full investigation of the facts. There is no doubt that the trouble has been brewing for a long time. Matters in regard to the penitentiary had not been very satisfactory for a considerable time before I took office. I know that when I did take office there was constant friction as between Warden Ponsford and Superintendent Hughes, and there was a line-up of partisans and sympathizers among the officers of the penitentiary supporting, on the one side, the superintendent, and on the other side, the warden. I had deputations on behalf of the warden, and my hon. friend from Kingston came in with him and I had also deputations on behalf of the superintendent, and had to hear his story. I came to the conclusion that there was a

condition existing there which could only be cured by the removal of somebody, and thereupon I asked for the retirement of both the superintendent and warden. I think my hon. friend from Kingston approved my action in that regard.

It became necessary then to appoint a new warden and a new superintendent, and instructions went forward to the Civil Service Commission regarding these appointments. Pending the appointment of a warden, one of the inspectors was sent from Ottawa to take charge of the Kingston penitentiary. The acting warden was Inspector Smith. I am inclined to think, having regard to all the circumstances, that Acting Warden Smith acted the part of a brave man during that riot.

Some hon. MEMBERS: Hear, hear.

Mr. BURRIE: I believe he was in an exceedingly dangerous position, and I sympathize with him in the predicament in which he found himself. But where the superintendent has found that acting warden Smith was not quite as efficient as he should have been lies for the most part in the fact that as early as the twenty-eighth day of July preceding the riots which took place in October, a document was found in that prison, clearly the work of a fairly well educated man, practically laying out a scheme for a revolt. That document had evidently been to some extent compiled from the book written by ex-warden Lawes of Sing Sing entitled Twenty Thousand Years in Sing Sing. There are passages in that document which are almost word for word from the Sing Sing book. The document was eight or ten pages long, and its concluding paragraph was, "This is copy number so and so. Pass it on to friends you can trust.

Acting Warden Smith, I think, rather carelessly placed that document on his file in his office, and left it there and took no ~~matter~~ action in regard to it. That was in July. Later, in the month of

September, through information obtained from prisoners in writing, the acting warden again received information that there was going to be serious trouble in the very near future, giving him particulars of what was going to happen, giving him information that had been passed out of the prison by certain guards, giving him notice of where outside influence was at work on behalf of the prisoners and for the purpose of a disturbance, giving him details of a plot whereby the walls were to be scaled by scaling ladders brought up on the river side, and various matters of that kind. Again, acting warden Smith took no action in the matter. He simply filed the document and awaited events. I agree with the superintendent --

Mr. GRAY: What the minister had just recited is not contained in the report.

Mr. GUTHRIE: I am not sure, but I can produce the documents, the evidence of acting warden Smith in regard to the statement I have made.

Mr. GRAY: I have no doubt, but it should have been in the report.

Mr. GUTHRIE: I read the documents and I know what I am talking about. Then came the disturbance in the month of October. My hon. friend from Kingston, in a very emphatic way, announces that in his opinion Superintendent Ormond was the man who had caused these riots. The idea is, I think, thoroughly ridiculous.

I might mention some other points that I just caught in passing. My hon. friend from Kingston seems to think that no guard should be removed unless he is given what he called a trial similar to that of a court martial. Now the law of this country, and I think of every British country, in respect to all servants of the crown will be found in chapter 1 of the revised statutes of Canada. Every servant of the crown is appointed and removable at pleasure. That applies

to every member of the service. It is possible, without giving any reasons whatever, to retire any member of the civil service. If he is retired for cause, if he is retired for misconduct of any kind, he loses his rights; he forfeits his pension and anything that is payable to him by way of retiring allowance. But if he is retired as in the cases mentioned by my hon. friend from Kingston, for the greater efficiency of the service he loses no rights; he gets his retiring allowance. That is the way in which the officials spoken of by my hon. friend were retired.

There were reasons given in every case. I live here in Ottawa. I occupy an office in the East block. I have paid officers to advise me in regard to matters of this kind. Reports come to me from the warden and from the superintendent, detailing the offences, if offences there be, or detailing the reasons why such and such a guard should be removed or retired. These men know the situation. They are paid to do so. They have examined the case and made a report, sometimes a very lengthy one. I have to study this report, and I have to come to the best conclusion I can on the evidence.

My hon. friend from New Westminster (Mr. Reid) this afternoon brought up the case of some guards out in New Westminster. I have time and time again gone over a long file in connection with each of these cases. All the dismissals to which he refers took place before I was minister. They were all approved by my predecessor. My hon. friend asks me now to override the position which the former officers and the former Minister of Justice took. I have not been able to do so. Similarly, in the case of the guards who have been discharged at Kingston, in every instance there was a reason, and a substantial reason. Many of the guards were most leniently dealt

with when they were retired for the greater efficiency of the service. I do not know that it is necessary for me to put upon the pages of Hansard the evidence and reports, I do not intend to do so, nor do I intend to mention the names. But complaint after complaint having come to me from my hon. friend from Kingston, I have diligently gone over these reports, I have questioned the superintendent personally in regard to them, and the only conclusion I can come to is that I should follow the recommendations that he has made, and for the greater efficiency of the service I have concurred in the recommendation that these guards be retired. None of the guards is known to me personally; not a single member of the staff of the Kingston penitentiary is known to me personally. I do not suppose any of them were known to the superintendent until recently because he never was in the penitentiary until August of last year. But on his advice I have approved these retirements. In no case under the Civil Service Act, as far as I know, is a man entitled to trial by court martial when he is relieved from office as suggested by the hon. member for Kingston. I grant you that under the act if a man is charged with political partisanship the custom has been established that he shall not be removed until he has had fair investigation. But such is not the law that applies in the case of the penitentiaries of this country. No man has a right to a formal trial who is appointed only "at the pleasure of His Majesty," as the saying is.

My hon. friend from Kingston takes a strong exception to the report made by the superintendent --

Mr. STEWART (Edmonton): At that point may I ask whether the dismissed guards themselves know what the cause of dismissal is?

Mr. GUTHRIE: They say they did not but I have not found any who have come to see me who did not know. I had one in to see me the day before yesterday; he knew why he was dismissed. If the case my hon. friend refers to is just a case of"a piece of paper"- I am not sure it is, but he says a certain guard was dismissed on account of a piece of paper -- all I can say without giving names, is that the piece of paper constituted a very serious piece of evidence.

Mr. ROSS: May I say it is not the case? The hon. gentleman knows the case; I went to him --

Mr. GUTHRIE: Oh, that is the old case?

Mr. ROSS: Yes.

Mr. GUTHRIE: That was years ago -- I was only a boy when that happened; I do not remember anything about it. That was fourteen or fifteen years ago, long before my time.

Mr. ROSS: And, now, fourteen years after, the man is refused a job.

Mr. GUTHRIE: I am not speaking of that. I refer to the case where one of the most notorious convicts in the penitentiary, when questioned by the superintendent, would not answer candidly until he knew whether there was a letter for him in the warden's office. One of the guards who was sent to find out came back; a large sheet of paper with the word "no", written in letters four or five inches high, was turned towards the prisoner who could see what was on it, and he immediately changed his evidence. The letter had not arrived. The prisoner was expecting something. The guard was let out. That is only one of the circumstances connected with his dismissal. I thought when my hon. friend from Kingston was speaking, that this was the case he referred to as "a piece of paper." The other I fancy is a case that took place fourteen or fifteen years ago, and while I have read

Mr. Gutierrez: They say they did not but I have not found any who have come to see me who did not know. I had one in to see me the day before yesterday: he knew why he was disbarred. If the case my good friend refers to is just a case of "a piece of paper" - I am not sure it is, but as early a matter, [illegible] of paper -- all I can say without giving names, is that the piece of paper constituted a very serious piece of evidence.

Mr. MO G: May I say it is not the case? The hon. gentleman [illegible] the case; I went to him --

Mr. GUTIERREZ: Oh, that is the old owner?

Mr. MO G: Yes.

[illegible] happened; I do not remember anything about it. That was fourteen or fifteen years ago, long before my time.

Mr. MOG: and, now, fourteen years after, the man is refused a job.

Mr. [illegible]: I am not speaking of that.

One of the most notorious convicts in the penitentiary, when questioned by the superintendent, would not answer saucily until he knew whether there was a letter for him in the warden's office. One of the guards who was sent to find out came back; a large sheet of paper with the usual "no", written on it [illegible] -- five -- five [illegible] immediately changed his evidence. The letter had not arrived. The prisoner was expecting something. The guard was let out. That is only one of the circumstances [illegible] with [illegible]. I [illegible] case by case. Trials from [illegible] [illegible] be referred to as "a piece of paper." The case I [illegible] is very just like [illegible] or fifteen years ago, as well I have read

the report made upon it I do not think it lies in my power to change the finding at this late date.

Another thing my hon. friend waxed rather merry upon is the conclusion of this report. He pointed out that everything the prisoners asked has now been granted. Of course that is an exaggeration, a few requests were granted. The question of cigarette papers arose in this way; up until 1923 prisoners had cigarette papers in the penitentiaries. For some reason they were then cut off, and it has always been a grievance among prisoners in all the penitentiaries that while they were allowed pipes and tobacco they were not allowed cigarette paper. They got their supply of tobacco and would make cigarettes with the usual toilet paper that is supplied. Last spring complaints became quite common in regard to the toilet paper; it was porous, they said, and would not smoke as a cigarette. From that time on complaint after complaint was made about the want of cigarette papers. During his first visit to the penitentiary in August, 1931, the superintendent discussed with acting warden Smith that question of cigarette papers. He was inclined to recommend it; he consulted the various wardens in regard to it, and I believe all but one approved an allowance of cigarette papers. One did not approve. The matter had not been decided but was about to be decided when the first riot took place in Kingston. Now prisoners are allowed a moderate supply of cigarette papers. That was the first complaint of nearly all the prisoners who were examined. There were over seven hundred prisoners whose evidence I have read and ninety per cent of them, placed the want of cigarette papers as their first complaint.

After cigarette papers I think the largest number of complaints would be on the question of cropping the hair, a reference to which causes so much merriment in the chamber. Prisoners object to cropping

as an indignity. They complain that when their relatives come to see them it is a great indignity that they have to appear with a close crop. In some prisons in England now they allow the military hair cut, and the military hair cut is now permitted in the penitentiaries in Canada, in order to remove what the prisoners describe as a great indignity.

Lack of recreation and amusement was a common complaint, I am inclined to think that there was some ground for complaint in that respect. Exercise and recreation hours were not utilized as they could have been in what I would call useful exercises. The new superintendent has taken that matter up and has increased the time allowance for exercise and the method of exercise, and the reports I get from the wardens throughout Canada are that there has been a great deal of improvement in regard to the exercise, and far less complaint.

Lack of magazines and newspapers has been an outstanding grievance. In nearly all countries, as far as I know, the rule prohibiting newspapers in prisons prevails, although in Sing Sing and some American prisons these are permitted. There was recommendation by a commission in this country some ten years ago that weekly newspapers be permitted in limited numbers. That recommendation was never adopted. Magazines are permitted, certain classes of books permitted. One great complaint is that the magazines when given to the prisoners have been mutilated by the censor, and all the interesting articles, they say, have been cut out. Newspapers have not yet been granted.

Insufficient lighting in the cells - I think there was a real grievance. I think they had only what they call a ten candle power

lamp light. We have increased that to twenty-five so that in the long hours of darkness during the winter particularly they will have a longer period for reading.

Harsh treatment by officers - there were complaints from many prisoners in that respect, and we tried to verify them as well as we could. Many of them, I have no doubt, were exaggerated, and some fictitious, but others may have some foundation in fact.

Compulsory church attendance is alleged as a grievance by probably fifty per cent of those who gave evidence or made complaints to the superintendent. One of the inspectors said that compulsory church attendance was really part of the punishment and should be continued. But a number of prisoners take strong exception to church attendance and say they will refuse to go, that they do not enjoy the services, that they do them no good, that they do not believe in what they hear. Compulsory church attendance, particularly in the Protestant chapel, has been a serious question not only in Kingston but in other penitentiaries.

Insufficient medical and dental treatment are complaints that occur in the statements of many prisoners. Some complained of lack of toilet articles, combs and mirrors and the like; some even wanted a canteen or shop where they could buy these articles. We have now allowed them each a comb; as we are allowing the hair to grow, of course a comb will be necessary. Mirrors are not allowed on account of the danger of the glass, and there are many complaints on this score. Others want knives and forks, but these are not allowed on account of the danger in the use of them by dangerous men. All these are very serious complaints on the part of the prisoners. They do not think they are laughing matters.

More frequent letters - we have allowed a letter a month instead of every two months. We have doubled the number of visits from one every two months to one a month by relatives or close friends. Lack of paroles has been complained of by eight or ten of the seven hundred; the objection to steam cooked food is a common complaint, and the monotony of prison diet is another. While these may appear rather trivial to us they are very serious matters with the prisoners concerned. They look upon them very differently, and these constitute the chief complaints which were made by prisoners in regard to Kingston penitentiary. I think these comprise almost all the complaints that were said to have caused the riot, and as will be seen we have righted some of these grievances, but many others we have had to refuse.

The other details as to the treatment of prisoners at Kingston or related by the hon. member for Kingston caused some merriment in the house. For the last twenty-five years there has been a per diem allowance in every penitentiary in Canada for Christmas entertainment, and no one understands this better than my hon. friend from Kingston. If Christmas cards were sent to these prisoners I fancy it must have been done by some outside party; certainly so far as my knowledge goes they were not sent by the department or by any official of the department. There are people who do such things, particularly at Christmas time, some furnish gramophones, some furnish radios and so on. This surely exhibits a true Christmas spirit. During the few days at Christmas there is some relaxation of strict prison discipline; there is and has been for the last twenty-five years a per diem allowance in every penitentiary in this country to provide extra rations at Christmas time. My hon. friend from Kingston cannot blame

More frequent letters - we have allowed a letter a month instead of every two months. We have doubled the number of visits from one every two months to one a month by relatives or close friends. Lack of paroles has been complained of by eight or ten of the seven hundred; the objection to steam cooked food is a common complaint, and the monotony of prison diet is another. While these may appear rather trivial to us they are very serious matters with the prisoners concerned. They look upon them very differently, and these constitute [illegible] [illegible] that were said to have caused the riot, and as will be seen we have righted none of these grievances, but many others we have had to refuse.

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this ancient custom on the new warden or the new superintendent.

I do not know that there are any other matters I need mention at the present time. I had expected most of these questions to be raised when the estimates came up, when I might have been more fully prepared. Perhaps just here I might say a word with regard to the brokers at Collins Bay. These brokers were sent to Collins Bay under Superintendent Hughes and acting warden Jackson, who was at Collins Bay; it was not done under the present superintendent at all. For some reason or other Collins Bay has been known as a preferred class penitentiary. That name was adopted by Superintendent Hughes with no authority whatever except his own before I became minister; Collins Bay appears in the report of the superintendent and in the debates of the House of Commons under the name "preferred class penitentiary." They had a sign painted and put up at the institution, to which I see some reference has been made in the newspapers, and of course I am blamed both for the selection of the name and the erection of the sign. But this was all done before my time, and when I heard that the name "preferred class" had been adopted both at Collins Bay and at St. Vincent de Paul, I concluded that such was not a very appropriate name; I ordered the name changed and the sign taken down, and this was done a long time ago. The new name is Collins Bay penitentiary, and the so-called preferred class at St. Vincent de Paul is now the Laval penitentiary; neither is now known as a preferred class penitentiary. They were simply construction camps, and Collins Bay is in large measure a construction camp still. We are building it with prison labour, and it will not be completed for some years. There are no cells at Collins Bay such as we have in other penitentiaries; there are wire entanglements instead of the stone walls of

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this ancient custom on the [illegible] expenditures.

I do not know that there are any other matters I would mention at the present time. I had expected most of these questions to be raised when the estimates came up, then I might have been more fully prepared. Perhaps just now I might say a word with respect to the prob- [illegible] Superintendent [illegible] Jackson, who was at Collins Bay; it was not [illegible] the [illegible] superintendent at all. The [illegible] Collins [illegible] as a [illegible] farm penitentiary. That name was adopted by Superintendent [illegible] authority whatever [illegible] before I became minister. Collins Bay appears in the report of the superintendent [illegible] the House of Commons under the name "Collins Bay [illegible] penitentiary." They had a sign [illegible] and put up on the institution, to which I [illegible] and of course I [illegible] for the [illegible] of the name and the [illegible] of the sign. [illegible] was all done [illegible] my time, but when I heard that [illegible] I [illegible] that such was not a very appropriate name; I ordered the name changed and the sign taken down, and it was done a long time ago. The new name is Collins Bay [illegible] tiary, [illegible] St. Vincent de Paul in [illegible]

other prisons. When a man's conduct in Kingston penitentiary has been approved by the warden he may be selected for transfer to Collins Bay if his services can be utilized there as a stone mason, a carpenter, a trench digger, a clerk or anything else. The warden submits a list of names to the superintendent and the superintendent makes out a list of names and numbers and nothing else and submits this list to the minister. I have seen 115 names on one list and 160 names on another. Then, on the warrant signed by the minister, these prisoners are transferred. The minister knows nothing about the individual prisoners; the warden and the superintendent make the selection. These men are then transferred from Kingston to Collins Bay. Of course they are looked upon as more or less of the peaceful or trusty class rather than the dangerous class of prisoner because it is not so easy to care for them at Collins Bay; there are many more opportunities for escape. When they get to Collins Bay they are put at some useful work.

Inspector Jackson was the acting warden at Collins Bay, and my hon. friend from Kingston has alleged that Jackson allowed these brokers privileges that were not allowed other prisoners. I have heard that charge made before by my hon. friend from Kingston, and I made diligent inquiry of Inspector Jackson. I am inclined to think, however, that I did not succeed in getting all the truth as a result of the inquiries I made, and subsequently the time came when in my judgment Inspector Jackson should be removed, so for the greater efficiency of the service he was asked to retire.

I do not know the particulars as to the cases cited by my hon. friend from Kingston with regard to these brokers, but I have been assured that the hours of labour, the clothing, the food, the privileges and the like are precisely the same in both penitentiaries.

I do know this, that in looking over the documents in connection with the transfers from Kingston to Collins Bay, in one list of eighteen who were to be transferred sixteen of the prisoners asked to be left at Kingston, and the reason given was that the work was too hard at Collins Bay. Other individual cases have come to my notice of prisoners who, finding their names set down for transfer, have asked to be retained at Kingston. Many untrue and nonsensical stories have been published in the newspapers with regard to the easy work and the good times enjoyed by the brokers and other prisoners at Collins Bay. Such tales were absolutely unwarranted. There may have been lapses; I do not say that I am fully satisfied with the result of the enquiries I have made in respect of the treatment of the brokers and their families by the then acting warden of the prison, and I came to the conclusion that it would be better for the penitentiary service if I asked acting warden Jackson to retire, and I did so.

When the estimates come up I will have all the papers before me and can go more fully into any questions that may be asked. I did not think these questions would arise on this bill, but perhaps it is just as well that these matters should be brought up now; it may save time later.

Now I should like to say just a word with regard to juvenile offenders. If I understood my hon. friend from Kingston aright he said there was a fifteen year old boy in knee breeches, a first offender, who had been sentenced to Kingston. That must have been done by one of the judges or magistrates of this country; it was not done by the superintendent of penitentiaries or the minister. If the boy was a first offender he should not have been sent to Kingston at all; our

law provides otherwise. If he was sent there as a first offender he should have been removed at once on complaint to the attorney general at Toronto, who has available prisons, homes and reformatories for the purpose of looking after youths under sixteen years of age. I must say, however, that after a lad is sixteen and has been sent to a reformatory or a provincial prison and associates with the ordinary run of prisoners, he very often gets into serious crime before he is eighteen years of age, so he may be sent to Kingston for a fairly long term. We have lads at Portsmouth now who are serving their fourth and fifth terms but who are not yet twenty years of age. It is not safe to put them in ordinary reformatories, they escape at once, and at a very early age they become what are called hardened criminals.

It is a very difficult problem to deal with boys of that kind. The idea behind the construction of the new prisons at Collins Bay and St. Vincent de Paul is that when they are completed we will be able to segregate, so far as possible, the youthful prisoners from the old offenders. However, one great difficulty will be that many of the youthful prisoners are themselves old offenders. In the prosecutions which are to take place at Kingston in connection with the recent riots it is quite true, as my hon. friend from Kingston says, that a large proportion of the offenders are juvenile prisoners; I do not mean youths, but men under thirty years of age. There are to be twenty-nine prisoners prosecuted in connection with that riot. They will come up in June at the court of general session of the peace. That is done because one of the terms of capitulation, as it is called, when the riot was at its height and Warden Smith's life was actually threatened, was the promise, in reply to the question whether

they would get a fair trial if they went back to work and stopped the row, that they would receive such a trial; and acting warden Smith's idea of their language was that they meant a trial by the courts of the country and not a trial by the warden's court in the penitentiary. If is for that reason in particular that we are having the men prosecuted in the courts of the land at the general sessions of the peace.

I may observe how similar the conditions were in the riots in Dartmoor in England and in Kingston here. In Dartmoor the same disturbance seems to have arisen, the same actions were taken by the prisoners, with the same results so far as damage is concerned; in each case one man was injured and there was a property damage of about $3,000. In Dartmoor there were thirty-one prosecutions of ringleaders and thirty convictions. I do not know how the cases will proceed here, but there are twenty-nine to be prosecuted in Kingston in June next. In St. Vincent de Paul the situation, from the point of view of damage was much more serious than in Kingston, the loss being estimated at about $50,000, whereas in Kingston it is about $3,000. In St. Vincent de Paul there were fewer convicts engaged in the disturbance, but some elements of the trouble were more serious than in Kingston; they set fire to the premises, using gasoline, and deliberately cut the hose to prevent anyone putting out the fire, and they waved the red flag, calling upon the convicts to follow the revolution. There are only twelve prosecutions before the criminal courts in Quebec. In Dorchester, where the affair was minor as compared with the other two, there are only four or five prosecutions, and the property damage there was slight. Without any loss of life we have come through these three affairs and while the property damage in Montreal has been serious, in the other two places it was negligible. Considering the

they could get a fair trial if they went back to work and stopped the row, that they would receive such a trial; and setting aside Smith's idea of their language and that they meant a trial by the course of the country and not a trial by the warden's court in the penitentiary. It is for that reason in particular that we are having the men committed in the courts of the land at the general sessions of the peace.

I may observe how similar the conditions were in the riots in Dartmoor in England and in Kingston here. In Dartmoor the same disturbance seems to have arisen, the same actions were taken by the prisoners, with the same results so far as damage is concerned; in each case one man was injured and there was a property damage of about [illegible]. In Dartmoor there were thirty-two prosecutions of ringleaders and thirty convictions. I do not know how the cases will proceed here, but there are twenty-nine to be prosecuted in Kingston in June next. In St. Vincent de Paul the situation, from the point of view of damage was much more serious than in Kingston, the loss being estimated at about $50,000, whereas in Kingston it is about $7,000. In St. Vincent de Paul there were fewer convicts engaged in the disturbance, but some elements of the trouble were more serious than in Kingston; they set fire to the premises, using gasoline, and deliberately cut the hose to prevent anyone putting out the fire, and they waved the red flag, calling upon the convicts to follow the revolution. There are only twelve prosecutions before the criminal courts in Quebec. In both [illegible]

[illegible]

over-crowding in the penitentiaries and considering other questions in regard to the guards whom we have had, we have been very fortunate in getting out of the difficulty as well as we have.

There may have been mistakes, and some of the staff may be open to serious criticism, but I am satisfied that the criticism levelled by my hon. friend from Kingston at the new superintendent is not justified. I think the new superintendent has done exceptionally well during the eight or nine months he has been in charge. All the reports I get from the penitentiary are daily more and more satisfactory, chiefly on account of the reforms that have been put into force by Superintendent Ormond. He will gain by experience; about that there is no doubt. Any man in such a position would. But he is diligent, careful and painstaking, and will prove a very successful superintendent in the end.

Mr. ROSS: I think the minister has been fair in his reply, but there is one thing I want to point out and that is that when differences of opinion did exist such as existed when the matter was brought to his notice in regard to the brokers, the least he might have done was to go and see for himself. But he never went. Simply swallowing the report of an official is what I complain of. I never meant that he was responsible for the brokers' state; I do not think for one moment he would stand for such a thing. But I did refer to the matter because it had been reported to me and he admits now that he did not make any investigation himself. I am positive of the truth of the statement made to me; I know that the conditions indicated in that sworn statement are absolutely true.

As to the cigarette papers, if I understood the minister rightly he said that cigarette papers were once given. That is not so.

Mr. GUTHRIE: I have been so informed; up to 1923 they were allowed.

Mr. ROSS: Neither cigarettes nor tobacco came in until 1922 or 1923. This followed the investigation of the commission, to whose report no attention whatever was given. At that time there were many complaints, and the great thing that these guards complain of today is that is called trafficking in the penitentiary. We all condemn it. The man who goes out there not knowing what he is going for, has this tacked on his back, that he was trafficking.

I did not ask for a court martial, although I believe it is a fair method. The private in the army is the king's servant just as much as a guard in a penitentiary, and he is given a fair hearing; he is given a chance to deny any charge that is made against him. The minister refers to the proceeding in connection with the paper that has been mentioned. A certain guard in the penitentiary was fireman, and a woman came along with a paper bearing an address on it.

Mr. GUTHRIE: This is the old case my hon. friend is referring to.

Mr. ROSS: Yes, and I think I have the right to refer to it.

Mr. GUTHRIE: Yes, certainly.

Mr. ROSS: It shows how unfair the whole thing is. This piece of paper which this woman carried had an address written on it. The address was that of this guard, who had not been there for six months. He refused to have anything to do with the matter and the woman went away. She came back. This piece of paper was taken, and the only thing we have is the evidence of the man Duncan and some others, stool pigeons, spies and spotters in the penitentiary. There were affidavits from these fellows, but this man never knew what he was put out for. He found later, however, that this piece of paper was taken by the mounted police to a hand-writing expert, who said it was his writing. All we did was to ask for that piece of paper. If the writing

Mr. GUNNING: I have been so informed; up to 1908 they were allowed.

Mr. MOSS: And their clergyman for tobacco came in about 1903 or 1904. Will the Commissioner of the Constabulary, in view of the report no attention whatever was given. At that time there were many constables, and he never saw that Sunday general inspection in Lunacy as what is called traditional in the penitentiary. He all condemns it. The man who goes out there not knowing what he is going for, has time wasted on his hands, and he was unfortunate.

I did not see for a court martial, although I believe it is a fair question. The private in the army is the King's servant that an man is a good in a penitentiary, and he is given a fair hearing; he is given a chance to deny any charge that is made against him. The minister refers to the proceeding in connection with the paper that has been mentioned. A certain guard in the penitentiary was firemen, and a woman came down with a paper leaving on a fence on it.

Mr. GUNNING: This is the old case of Mr. Friend in referring to.

Mr. MOSS: Yes, and I said I have the right to refer to it.

Mr. GUNNING: Yes, certainly.

Mr. MOSS: It seems for merit the whole thing is. The piece of paper which this woman carried had an address written on it. The address was that of this county, who had not been there for six months. He proved to have acquitted, to do with the man or and the woman went away. The same work. This piece of paper was taken, was the only thing he have in his village of the Sunday School and some others, friend, which the question is the penitentiary. Every [illegible] the real cause [illegible] and only [illegible] Mr. Mr. Speaker, sorrow. Mr. This place is [illegible] the question being of a [illegible] [illegible]

on it was the fireman's, then we have nothing more to say; but the man denies the whole thing and the circumstances bear him out. They show that he had not for over six months been at this place. We asked for this piece of paper, and if it does not bear out this man's story, a man who has lost his job after fourteen years, we have nothing further to say. I submit that it was only the fair and the British thing to do, to produce the paper, notwithstanding what clause I has to say.

This is what these men complain of. They are stamped as men who have been trafficking, and in this instance the man absolutely denies it; he declares that he can prove conclusively that the charge against him is false. But he cannot get a chance to establish his innocence. It seems to me that if they have evidence then the man should be told what it is.

Mr. GUTHRIE: The man has been told; I told him personally.

Mr. ROSS: In a great many cases the man goes to the warden and the warden says he knows nothing about it. A man was dismissed the other day and the warden of the penitentiary offered to give him the highest kind of recommendation, because the dismissal had been made without his sanction. I think the committee will see that I actually have some reason for the position I am taking in this matter. This paper which was found is used as something against Smith. It was called Barbarism in Civilization, and the figure 26 appeared upon it. It was not as if this paper had been circulating around; they got it and nothing at all like it has appeared since. There was nothing at all to that, but it is pasted all over this report as being something awful. There is no doubt that it was the work of a communist or someone of that kind; I do not dispute that, but it should not be taken

as sufficient cause for the dismissal of an inspector who was doing his duty to the best of his ability.

I am not going to discuss this matter further. In our part of the country we feel that a great deal of damage has been done and considerable expense will be incurred by the community. The rioting on the second day could have been prevented. A member of the permanent forces wanted to go in and stop it but his offer was refused by the superintendent. I have been in touch with this penitentiary for many years. I came down here and complained about the treatment given to Warden Ponsford, which I thought was very unfair. He was told that if he would apply for two months' leave of absence he would be put back on at the time of the elections. When his leave came through he found it was for three months and no one could be found who would admit having changed it. He was practically thrown out. Ponsford was no friend of mine; I never got and never asked a favour of him. I thought the treatment unfair and I came down here to protest. I will say for the minister that he received us and I think, after all, used perhaps the best judgment in the settlement of that case. However, the treatment Ponsford received was unfair and I came down here to fight for him.

Mr. WOODSWORTH: Mr. Chairman, it seems to me to be quite obvious that this committee cannot form a clear conclusion from the details which have been presented during this debate. I submit that from the charges levelled by the hon. member for Kingston (Mr. Ross), we would be warranted in urging upon the government the absolute necessity of the appointment of an independent commission to investigate the whole question of our treatment of criminals. I agree very largely with the hon. member for Kingston in his criticism of the report upon the riots at Kingston penitentiary. It seems to me that the attitude of

a sufficient cause for the disbelief of an inspector who was doing his duty to the best of his ability.

I am not going to discuss the matter further. In our part of the country we feel that a great deal of trouble has been done and considerable expense will be incurred by the accident. The rioting on the second day could have been prevented. A number of the prisoners were as innocent as I am of any wrong in all the affair was released by the magistrate. I have been in close relationship for many years. I came down here and consulted about the treatment given to Indian prisoners, which I thought was very unfair. He was not able to do anything for the poor Indians' loss of property, so could be put back at the time of the disturbance. When one leaves home through no fault of his for three months and is then found by some adult having stolen it. He was practically turned out. Something was to blame of them; I never put it, or at least a power of it. I had got the Treasurer public and I came down here to protest. I will say for his mind that he received me well enough, after all, and promised the best treatment in the matter of food and. However, the treatment received was unfair and I came down here to finish for him.

Mr. [illegible]: Indeed, it seems to me to be quite obvious that this accident was due to a short circuit from the outside which have been caused due to this fire. I points out from the [illegible] in the 1.m. answer for [illegible] (Mr. Ryan), we would [illegible] the government the Minister's assembly of [illegible]

the superintendent is simply that of adopting repressive measures. He stated that there was only occasional foot and arm drill, that twice a year each guard fired eight shots and that during the annual drill a certain number of guards were put through some sort of perfunctory fire drill. He states further that shortly after the end of the late war a fair sprinkling of guards were brought into the service who had had military training of some type or other. The attention of the committee has been drawn to the rather peculiar statement of the superintendent with regard to the inability of the ordinary soldier to become an efficient guard. I do not want to go into that matter, but I would say that a soldier's training, whether he be a private or an officer, is not necessarily such as to fit him to be a guard or other official in a penal institution. Had I the time I would have liked to submit some memoranda which have come to me - copies have been sent to the minister - dealing with the whole question of the treatment of criminals. One was from the Canadian Prisoners' Welfare Association, another from the Social Service Council of Ontario, and so on.

I think it is high time that we in Canada followed a line of procedure similar to that followed in Great Britain and many countries of Europe. In those countries a very careful investigation has been made not only of the details of the administration of the penitentiaries but of the general question of penology. Following these investigations in Great Britain and elsewhere, men have been appointed to take charge of these institutions who had a good knowledge of sociology, psychology and penology. These men have a wide knowledge of the type of treatment that had proved to be the best in other institutions, and they have brought into effect certain new types of treatment which have

the supervision is likely that of ordinary corrective measures. He stated that "there are only occasional [illegible] and gun drill, that twice a year each guard fired eight shots and that during the annual [illegible] a certain amount of guards were put through some sort of perfunctory fire drill. He stated further that recently after the end of the late war a fair sprinkling of guards were brought into the service who had had military training of some type or other. The attention of the authorities has been drawn to the rather peculiar contents of the superintendent when applied to the inability of the ordinary soldier to become an efficient guard. I do not want to go into that matter, but I would say that a soldier's [illegible] training is [illegible] efficient, is not necessarily such as to fit him to be a guard or other official in a penal institution. [illegible] I would have liked to submit some [illegible] which have come to me - [illegible] have been sent to the Minister - dealing with the whole question of the treatment of criminals. One is from the Canadian [illegible] Association, another from the Social Service Council of Ontario, and so on.

I think it is high time that we in Canada followed a line of procedure similar to that followed in Great Britain and many countries of Europe. In those countries a very careful investigation was made not only of the details of the penal institutions of the administration of the general question of penology. Following these investigations in Great Britain [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

proved very effective.

I do not think that any hon. member who has a boy of his own could listen to the instance quoted by the hon. member for Kingston of a fifteen year old lad who had become a hardened criminal without feeling that that statement alone was sufficient to warrant our asking for a royal commission to inquire into the whole situation. The minister himself has had to admit that after all these years we have not as yet succeeded in segregating the youthful offenders. It is high time we had a thorough and far-reaching investigation of these matters. The minister has admitted also that there is considerable overcrowding. There has not been a very great increase in our population in recent years and this overcrowding would seem to suggest that our mode of treating criminals has not been very effective - we have not been able to reform very many and we are creating more. We are taking little trouble to discover the causes of crime and to eliminate those causes. In this scientific age we ought not to continue simply to use the old repressive measures. A commission should be appointed to be composed of men of high ideals possessing a wide experience of such matters. The riots at Kingston, although serious enough are a comparatively small matter when considered in the light of the big problem involved. This commission should investigate the whole matter and report to this house as to what steps should be taken in the future to solve this great problem.

Some hon. members may remember the commission set up years ago to investigate Kingston penitentiary;. I do not think the recommendations made by that commission were followed in any regard. I had the greatest difficulty some months ago in securing a copy of their report.

They made some recommendations but everything was forgotten. Some years ago the hon. member for Southeast Grey (Miss Macphail) in two successive sessions made the plea that prisoners, especially married prisoners, should be paid for work performed. That resolution was adopted by the house, but practically nothing has been done in the matter.

These men are unable to defend themselves and every precaution should be taken to ensure that their interests are safeguarded. It is not a question of this or that little thing, such as cigarette papers or the providing of some toilet necessity; the trouble goes a great deal deeper than that. Moreover I do not believe those causes which are assigned by the men could, under the conditions under which the investigation was made, reveal the real reasons for the riot. These real reasons could be ascertained only by men of scientific training and with some knowledge of the general character of criminals of this type. I would plead with the minister and the government that now the report has been presented on the immediate question of riots in the penitentiaries, the government would give consideration to the appointment of a commission that before the next session of the house would bring in a report which would place the treatment of criminals on an altogether different basis.

Mr. LAPOINTE: I intend to discuss certain features of the report of General Ormond when the estimates of the penitentiaries come up for discussion. I may say immediately, however, that I agree with the hon. member for Kingston City as to the character of the report, which is certainly a very remarkable one. The superintendent's conclusions are:

1. Insufficient supervision covering a period of not less than ten years.

they made some recommendations but, everything was in order. Some years ago the U.S. Bureau for Industrial Peace (Blue Mountain) in two successive sessions made the same type of recommendations, especially married prisoners, should be paid for work performed. This proposition was adopted by the Bureau, but never really noticed has been done in the matter.

Women are merely to satisfy themselves and every precaution should be taken to ensure that their interests are safeguarded. It is not a question of large or small little sums, but as a principle of the protection of some social security; who knows what a great deal deeper than that. Moreover I do not believe there exists such the backward in the not only, but the inability of the public to investigate as was seen, reveal the real reasons for the risk. These real reasons could be discovered only by the particular training and with some knowledge of the general or lack of criminals of this type. I would point out the minister and the government the I now be expert in fact, I learned in the executive position of clerk in the Ministry. The recommendations would give moral relief to the appreciation of a conclusion that ensure the best question of the young world during in a young house would show the treatment of criminals on an altogether different basis.

Mr. Chairman: I agree. In always looked forward to the great of general Synod when the conference of the penitentiaries came up for discussion. I am very interested, however, that I agree with the hon member for Lunenburg Only - in my experience - I has always felt that certainly a fair treatment and - The discussion" medical and

4. Investigation according with a period of one time than one month.

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2. Insufficient and inefficient inspection covering not less than a period of ten years.

I have not been able to find out how General Ormond has come to these two conclusions. They are based on nothing that can be ascertained anywhere in the report or in the documents which have been submitted to us. They seem to be only the yielding to the temptation of blaming somebody else - those who preceded him. I have not the pleasure of being acquainted with General Ormond, but he seems to have been rather unfortunate. After he was appointed last August he paid three visits, one to each of the three penitentiaries, Dorchester, St. Vincent de Paul and Portsmouth. He has been unfortunate because riots took place in those three penitentiaries to which he had paid visits and where he had interviewed convicts. My information was to the effect that he lacked experience of penal institutions, and if my information is correct, he interviewed the convicts in the absence of the wardens or other officers, something which is never done. Apparently he promised the convicts many of the things for which they had been asking, such as cigarette papers and so on, and when the promises were not implemented, the riots took place.

Let me tell the Minister of Justice, that like the hon. member for Kingston City, I have no reason to take up the cudgels for either General Hughes or Warden Ponsford. They were not the appointees of the administration of which I was a member. I found both of them there when we took office. It is true, as the Minister of Justice has said, there was no love wasted between the two, as I saw, but together they made a pretty good team so far as the administration of the penitentiary was concerned, and as the hon. member for Kingston City has said, there was in Kingston under Ponsford and General Hughes no

3. Commissions and inefficient inspection services and lose time a period of ten years.

I have not been able to find out how General Grant has been to blame for conditions. They are based on nothing that can be ascertained anywhere in our report or in the documents which have been submitted to us. They seem to be only the pretext to the imposition of taxes. Our only fine - those who provided him. I have not the pleasure of knowing Colonel Grant personal friend, but he seems to have been rather unfortunate. After he was appointed he had another to pick three visits, one by each of the three commissioners, successor, Mr. Vickers does do local and horticultural. He has been motorboating because time place to these three commissioners to which he had pretty visits are above to his interest country. He information was to the officers that he lacked experience of local institutions, and if my information is correct, he not advised the service in the absence of the wardens or other officers, something which is never done. Apparently he promised the council and of the duties for which they had been suitable, even as elections papers and so on, and when he, troubles were not implemented, [illegible]

Let me tell the Members of Parliament, that like the Dominion Act, I have no reason to take up the cudgels for either Grant or Vickers or Dominion Government. They have not the appearance of the exercise of which I was a member. I do not know if Grant [illegible]

outbreak which could be called a riot. It was when this wonder from Calgary took charge of the penitentiary that the riots broke out. I shall have something else to say about the matter when the estimates are taken up.

May I say also that three or four years ago a commission was appointed by some states of the United States to study prison regulations and conditions in Canada. They visited and spent some time at Portsmouth penitentiary and elsewhere, and their report was that it was the best managed institution they had visited in either the United States or elsewhere, so it was not as bad as is depicted. I have sympathy for the Minister of Justice in the administration of that branch of his department. I agree with him that the minister cannot himself ascertain which man should be placed in a position as guard or otherwise, and has to trust to a large extent to the reports of the superintendent and the wardens, the men who are on the spot and ~~the penitentiaries~~ who are responsible for peace and order in the penitentiaries. The minister must have as officers men whom he trusts, and apparently he has great confidence in his present superintendent. I hope his confidence is not ill placed and that the new superintendent will prove his ability further than by that famous report of his.

Mr. GRAY: I cannot let clause one, dealing with the governor in council appointing the superintendent, pass without replying briefly to the hon. member for Lethbridge (Mr. Stewart) who a few moments ago stated that because he or the government had not received protests from the Canadian Legion, it ill became those of us who sat in the House of Commons to raise the question that was raised this afternoon by the hon. member for Quebec South (Mr. Power) with respect to the wording of the report made by General Ormond. The hon. member for

outbreak so oh could a solid a idea. It was when this member from Calgary took charge of the proceedings that the riots broke out. I shall have something else to say about the matter when the estimates are taken up.

May I say also that two or four years ago a commission was appointed by some citizens of the United States to study prison conditions and institutions in Canada. They visited and spent some time at Portsmouth penitentiary and Kingston, and found that of all the institutions mentioned Portsmouth was first and that Kingston was second. Nothing of a similar character has been attempted in either the United States or elsewhere, so it may not be out of place to be thankful. I have sympathy for the Minister of Justice in the administration of this branch of his department. I guess at at not that the minister carried [illegible] and has to bend to a large extent to the reports of the superintendents and the wardens. Otherwise the use on the spot and responsible are responsible for peace and order in the penitentiaries. The statistics must have to be of less can also be truths, and apparently be the great conditions in the present superintendent. I hope the conditions in not all phases and that the superintendent will prove his ability further than by that famous report of his.

Mr. [illegible]: I agree let closure one, dealing with the governor in [illegible]

[illegible]

Quebec South this afternoon quoted a protest from the Canadian Legion at Kingston. I desire to place on record a protest presented to the government by the Ottawa branch of the legion, one of the strongest of the branches, composed of many returned soldiers, and one which has perhaps done more to relieve distress in its own city than has any other branch. When the hon. member for East Calgary (Mr. Stanley) attempts to defend this report and the Minister of Justice (Mr.Guthrie) tries to defend the appointment of this particular gentleman as superintendent of penitentiaries --

Mr. GUTHRIE: I defend his conduct, not his appointment. I did not appoint him.

Mr. GRAY: In any event it is interesting to note that one of the minister's appointees, the superintendent of the Royal Canadian Mounted Police, not only recommended this gentleman as superintendent but was one of those who sat in judgment on the appointment to the office. I mention this in passing because I think it is worthy of note. Moreover, when the hon. member for East Calgary states that this gentleman is a Liberal, it is interesting to note that he was recommended first by the Right Hon. Arthur Meighen, second by the Hon. Mr. MacPherson, Attorney General for Saskatchewan, and third by the Hon. F.G. Taylor, formerly leader of the Conservative party in Manitoba and recently appointed by the present Minister of Justice to the Court of King's Bench of that province. I leave it to the house as to the Liberal leanings of the gentleman appointed.

With respect to the protest by the Ottawa branch of the legion, which I desire to place on record, may I say that they first of all passed a resolution protesting against taking out from the operation of the Civil Service Act this branch of the service. Their second

perhaps Canada this afternoon received a process from the Canadian Lawyer at Ottawa. I desire to place on record a statement presented to the Government by the Ottawa Council of the Legion, one of the strongest of the resolutions, because of many controversial sections, and one which has Canadian Home more to relieve distress in its one city than any other branch. Then the hon. member for West Calgary (Mr. Stanley) attempts to defend this report and the Minister of Justice (Mr.Martin) tries to defend the appointment of this partisan Canadian as superintendent of penitentiaries --

Mr. MARTIN: I defend the counsel, not his appointment. I did not appoint him.

Mr. HOWE: In any event it is interesting to note that one of the Minister's appointees, the superintendent of the penal institutions Commission, not only recommends this partisan as superintendent but --

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

resolution was as follows:

> That the Ottawa branch of the Canadian Legion desires to record its strong resentment and disapproval of the tenor of the remarks contained in the report recently submitted by the superintendent of penitentiaries, touching upon the qualities of the private soldier who served during the great war, considering such remarks as uncalled for reflection upon the rank and file who served in the Canadian expeditionary forces.

I leave that expression of the views of the Ottawa branch of the legion with the hon. member for Lethbridge.

Mr. KENNEDY (Winnipeg): This bill has to do with taking the appointment of the administrative staff of the penitentiaries from under the operation of the Civil Service Act and placing it with the governor in council. I do not propose now to debate the question of the advisability or otherwise of so doing. Most of the discussion late this afternoon and this evening has rather centred around an attack upon or severe criticism of the present superintendent of penitentiaries.

Let me say in passing that the purpose of the bill is to remove from under the operation of the Civil Service Act these appointments. It is contended by the sponsor of the bill, the hon. Minister of Justice (Mr. Guthrie), that the duties of these servants peculiarly unfit them for appointment by the Civil Service Commission. If the criticisms which have been levelled against the superintendent of penitentiaries are to be carried through to their logical conclusion, it would be an argument against at least that appointment being made under the Civil Service Commission, but I do not think we can generalize from individual cases.

The hon. member for West Lambton (Mr. Gray) has made reference to the contention that General Ormond's was not a political appointment inasmuch as he was a Liberal appointed by a Conservative administration. He endeavoured to cast doubt upon that by indicating who had

recommended him. I know of my own knowledge, coming from the same province as General Ormond - he comes from the town of Portage la Prairie, and I know his family very well - that he and his family have been Liberals for generations. I do not say that in disparagement at all. It is a fact, however, that General Ormond and his family are Liberals. His appointment was made certainly not for any political consideration, but simply because under the system of appointments under the Civil Service Commission he answered the advertisement, and having had a very distinguished war record undoubtedly that recommended him to the commission, and he received the appointment.

Leaving that, I wish to deal with one other matter around which the discussion has largely centred, and that is the remarks of General Ormond as contained in his report as superintendent of penitentiaries. So that the matter may be clearly on the record I wish to read the words to which reference has been made. They appear on page 8 of his report under the heading, Training of Guards. He says:

> At the present time there are many guards who had little or no service that would recommend them to be penitentiary or prison guards, mostly having terminated from three to five years' service with the rank of private, which would indicate that they had reached their limit in military advancement, and could not be expected to show a higher standard in civil life.

I do not propose to defend such language on the part of the superintendent of penitentiaries. My experience tells me that such language is ill-considered, unfair and indefensible. I am glad to associate myself with hon. members on both sides of the house who have taken this opportunity to register a protest against such language being incorporated into a report that becomes part of the records of this house. I think that that point was particularly stressed by the hon. member for Quebec South, and I entirely endorse his sentiments. Knowing General Ormond's record as a soldier, and it was a magnificent record,

knowing his splendid record of service and that he must have come into close contact with thousands upon thousands of privates in the army, it is to me incomprehensible that such a statement should represent his considered opinion. However, it is in his report, and we must deal with it as such. This statement of General Ormond will not stand even a cursory examination. Note what he says. He is speaking of guards who are in the penitentiary, and says that the records show that they have had from three to five years in the army as privates, and he draws this conclusion:

> ---mostly having terminated from three to five years' service with the rank of private, which would indicate that they had reached their limit in military advancement.

The Canadian corps was an army of over five hundred thousand men. They could not all be generals, and they could not all be colonels or majors or captains or lieutenants. In the very nature of things only a small percentage of them could be officers.

Mr. MITCHELL: Somebody had to do the fighting.

Mr. KENNEDY (Winnipeg): As my hon. friend says, somebody had to do the fighting, and so in the nature of things hundreds of thousands of them served during the war for years, and came back as privates. Is it to be concluded from that that they were lacking in mentality, or lacking in those abilities that would fit them to be guards in the penitentiaries? The denial of such a position is to be seen in this house. There are hon. members of this house - I do not need to name them - who served in the ranks as privates, and remaine privates. One is a minister of the crown. You find them taking their place in civil life, in the professions, in the business life of this country, in every walk of life to-day. So that suggestion was entirely uncalled for.

Who were the men who served in the ranks of the army? Who were

the five hundred thousand odd? Some of them are members who sit in this house to-day. Many of them were the sons of men who are sitting in this house to-night. They were the sons of all classes of people in this country. That was the magnificent thing about not only the Canadian corps but the British army. The sons of some of the most privileged people were among the first to go. That was so in the motherland and it was so in this country. Who were these boys in the army? The western plains sent a battalion known as the university battalion. They were boys of eighteen and twenty, who stopped their university courses and signed up - the flower of this country filled with idealism of youth, to all of whom life was still "A perfumed wonder."

It is not for me to disparage officers, but as far as intellect is concerned, or those qualities which make for good citizenship, you can take a cross section of the army and in every class you will find most of them pretty good stuff, some medium, and an odd one poor. But in the main those who know best will say they were simply magnificent. That is true of the private in the ranks, the platoon lieutenant, the captain, the major, and the commanding officer. Mutual confidence and initiative was the keynote of the success of the Canadian corps in France. It was the same with the padres who were sent to us in France; most of them were splendid fellows, some not quite so good; I will say the privates stood up just as well as they did. So I join with other hon. members who have protested in this house against these remarks in the report, or that they should go into the archives of parliament.

In conclusion I want to say that the most charitable view I can take of the language of General Ormond is that it was used thoughtlessly, and possibly under provocation in relation to one or two particular individuals who had not measured up to the standard. That is the

only reason I can think of; I have no purpose here to defend him. I submit there is no necessity for reading into the record, as my hon. friend from West Lambton did, the protests of some soldiers' organizations; not only the rank and file of the Canadian corps some 500,000 strong, but every fairminded citizen of Canada protests against such language. Privates got advancement from the ranks, officers got advancement --

The CHAIRMAN: Order; I think it is high time the committee came back to article 1 of this bill.

Mr. KENNEDY (Winnipeg): Well I will just conclude, Mr. Chairman. I want to say that the successes of which the people of Canada read with price were attributable to all ranks and particularly to the brains of the privates and the energy and initiative they showed in tight places. Time and time again, in the absence of officers and N.C.O's, privates took charge and saved many a difficult situation. During the last hundred days when town after town fell to the Canadian corps it was a common thing in France and Flanders to see at noonday in a liberated city or town or village the mayor and public officials gathered on the steps of the hotel de ville holding a thanksgiving celebration, thanking the general of the brigade for deliverance. But let me sum it up in this way: that before such an occasion that town had to be delivered, never at noonday in one of those delivered villages did a general in gold lace or red cap or tabs accept the plaudits of the multitude but earlier on that day or some other day it was the rank and file of the army who fought through the wire and gas and made that celebration possible.

Mr. JEAN: The other day in discussing the resolution I asked the Minister of Justice if the act would provide for a bilingual

only reason I can think of; I have no persons here to defend him. I
admit there is no necessity for reading into the record, as my hon.
friend from West Hastings did, the protests of some anti-Semitic organiza-
tions; but surely one need not be of the Jewish race to be, as
above, not every right-minded citizen or Gentile publication resent such
language. Friends and disassociate from the remark, a Liberal get ex-
tracement --

The CHAIRMAN: Order: I think it is right that the committee
take to consider I or this bill.

Mr. [illegible] (Kingsway): Well I will just conclude, Mr. Chairman.
I want to say that the occurrence of which the people of Toronto read
with pride were attributable to all works and particularly to the
leaders of the activities and the energy and initiative they showed in
[illegible]. The [illegible] on the [illegible]
B.C.(?), [illegible] work others and served many a difficult situation.
Surely the last [illegible] when [illegible] offer them [illegible] to the [illegible]
[illegible] is not a common thing in Toronto and Ontario to see so prominent
in a liberal city or town or village. The mayor was [illegible]
[illegible] on the place of the [illegible] to with holding a [illegible]
[illegible], [illegible] the general of the brigade for [illegible]. But
let me [illegible] in this way: [illegible] such an occasion that [illegible]
[illegible] to be delivered, never is anything in one of those delivered [illegible]
[illegible]
[illegible] but earlier on that day we [illegible] [illegible]
[illegible]
[illegible]

Mr. [illegible] [illegible] the resolution I agree to
[illegible] [illegible] [illegible] [illegible]

superintendent and officers as far as the province of Quebec was concerned. The answer of the minister was: I should say yes, I have read over the bill which is now before us and do not see any such provision in it.

Mr. GUTHRIE: I did not intend to say that the act would so provide. I said that would be carried out in the administration of the act. I do not think it is customary to put such a provision in an act of parliament.

Mr. JEAN: I think it would be desirable to put it in.

Mr. GUTHRIE: Since the committee rose at six o'clock I have considered the suggestions made by my hon. friend from Quebec East and I have to some extent recast the bill to accord therewith. The bill as prepared would give to the governor in council the right to appoint the superintendent, the inspectors and the staffs of the penitentiaries, and all other officers of the penitentiary branch would remain as now under the Civil Service Commission. It does not require much amendment; I can explain the amendments all at once and then move them separately. It will require the words "and three inspectors" in line 9 after the word "penitentiaries." Then in section 2, line 17, we strike out the word "inspectors," strike out lines 20, 21 and 22 altogether and insert in lieu thereof: "who are engaged in and about the various penitentiaries and are upon the respective penitentiary staffs thereof." To make it clear that this applies only to the limited number that would be inspectors, superintendents, guards and wardens, we are putting in a clause as clause 3 of section 3: "All other officers, clerks and employees of the penitentiary branch of the Department of Justice shall be appointed and paid under the provisions of the Civil Service Act."

~~Mr.~~ As we are on clause 1, I would move:

That section 1 be amended by adding in line 9 after the word "penitentiaries" the words "and three inspectors of penitentiaries," and that the words "an officer" be changed to "officers."

Sir EUGENE FISET: Perhaps I may call the attention of the minister to the fact that he is cancelling clause 20 of the present bill with regard to these inspectors and leaving it open to the governor in council.

Mr. GUTHRIE: We are repealing clause 20 which provides for the appointment of three inspectors, and allowing the inspectors to be appointed under clause 14.

Sir EUGENE FISET: But in your amendment you are limiting the number of inspectors to three.

Mr. GUTHRIE: So it is in section 20.

Sir EUGENE FISET: But if you look at section 2 of the present bill repealing clause 20 you find that instead of providing for only three inspectors you have an unlimited number.

Mr. GUTHRIE: No, it says "three inspectors." Three inspectors is the maximum.

Mr. NEILL: Then you must change the word "him" in the last line also.

Mr. GUTHRIE: Yes, the word "him" in the last line will have to be changed to "them".

Amendment agreed to.

Section as amended agreed to.

On Section 2 - Governor in council to appoint inspectors, wardens, officers and clerks.

Mr. GUTHRIE: This section is to be amended by striking out the word "inspectors" in lines 17 and 23.

Amendment agreed to.

Mr. GUTHRIE: The next amendment -

Mr. RALSTON: I should like to say a word in connection with this section. I oppose it for the same reason that I opposed the amendment last year, which permitted something like 3,000 postmasters to be taken out from under the Civil Service Act. My reason is that this does away with the preference to ex-service men.

I will detain the committee for just a moment to remind hon. gentlemen of all that this parliament and this dominion have done in the way of endeavouring to provide employment for ex-service men. The Civil Service Act was passed away back in 1918, and in that act a preference was provided for ex-service men in connection with government positions. Order in council P.C. 1053 was passed exempting certain skilled and unskilled labourers, but even in those cases the preference was retained. I think it is to the credit of this country that from 1920 to 1924 between 69 per cent and 79 per cent of all the appointments to the public service were filled by ex-service men. We did not only give them the right to apply; we went further and paid out the money of this country for the purpose of training ex-service men in order that they might fill civil service positions. By order in council P.C. 2944, of August 31, 1931, we provided for special training for ex-service men in order to fit them for these positions. We were only doing what all the belligerent countries, especially those who were on the side of the allies, had done; that is, providing for the employment of ex-service men in the public service.

We even went further and aided schemes put forward by civilian agencies in this country. I remember particularly the Toronto rehabilitation scheme put forward by the citizens of Toronto, by which they

assisted ex-service men to get positions in civil life. This country contributed a substantial amount by way of assistance to that scheme, particularly in order that employers, who took on disabled ex-service men, might be able to give them a specified living wage. From the treasury of this country we contributed sufficient for that purpose. Then we provided for vocational training; hon. members who were in this house before I came here will remember the consideration given that question by committees of this house in 1921, 1922 and 1923. Then we sent delegates to the international labour bureau in order to find out what was being done in other countries, in an endeavour to adopt some uniform system of giving employment to ex-service men. Our representatives there reported that the unanimous conclusion had been reached that ex-service men were entitled to the benefit of the assistance of the country in order to secure employment.

Then the 1921 parliamentary committee approved the vetcraft shops and recommended their establishment in conjunction with the Red Cross. The Red Cross established various agencies all over this country, and they were assisted by the Dominion government. As a matter of fact we paid 85 per cent of the capital expenditures and 75 per cent of the deficits in connection with those Red Cross agencies. Then we had provincial employment agencies; we put a handicap section there and we paid out money in that direction also in order to provide employment for ex-service men. The employment service and the handicap sections were united, I think in 1923, that the dominion might better cooperate with the provinces in order to give the ex-service men what was regarded as their due. In addition it was found that in some other countries the voluntary schemes were not working out, add in some countries acts

were actually passed not only providing that ex-service men should be given a preference in connection with civil service positions but requiring employers to hire these men up to a certain percentage of their establishments. That happened in France, and to a certain extent that scheme also was adopted in Germany, Italy, Austria, Poland and the Kingdom of the Serbs and Croats. In each of these countries provision was made whereby a certain percentage of ex-service men would be entitled to a first preference to civilian employment, not only in government positions.

I give this recital only to remind the committee of what has been done in that regard in other countries as well as in Canada. Now I find that at one fell swoop this bill proposes to do away with the preference given ex-service men employed in positions in the penitentiaries, and as I understand my hon. friend the Minister of Justice he says the reason is that the men who are disabled or handicapppd are entitled to the preference, as well as the men who have had service overseas and are physically fit. I point out to the minister and to the committee that this is no answer to the contention we are making. What we say is that these men must qualify for the position for which they are applying. No one even suggests putting in a man who is not qualified for the job. We suggest that when men pass an examination and are found to be qualified the ex-service men should be given the first preference. What exception can be taken to that? That is the provision in the Civil Service Act; it has been there all along, and why that principle cannot be perpetuated is beyond me. The reason appears to be that General Ormond has made a report, which I submit is not to his credit as a soldier. I know of his service overseas; I know he was a gallant soldier, but I cannot understand the mental processes of

a Man who would make a report such as that made in connection with the penitentiaries, in which it is said that because a man had from three to five years of service in the ranks as a private only he is not fitted to be a guard in a penitentiary. I think there must be something wrong with his mentality, and I submit in the strongest possible terms that this is a reflection on men who have served this country faithfully and well. General Ormond knows as well as anyone knows that overseas privates were not simply led by their officers. Privates held important and dangerous posts; privates led raids; privates showed initiative and judgment. I have known privates to take command of platoons and do magnificent work and it is because of that fact, we feel, that our Canadian forces made such a record overseas. It was not simply because of the officers; it was because of the men in the ranks, who had the initiative, the courage, the spirit, the understanding and the leadership. I say that this report is a reflection on the men who went in the ranks, many of whom did not care to take the stars of an officer; it is a reflection which these men do not deserve - far from it - and I submit that it brings no credit whatever to the gentleman who made it.

It is my opinion, Mr. Chairman, that nothing could better qualify a man for the position of guard than the fact that he did serve overseas for from three to five years. He was doing guard duty all that time. Who held the outposts? Who did the guard duty day after day and night after night, but the privates who were given most important and dangerous missions and posts? I submit that this very fact does qualify them, and I come back to this point: If these men are qualified it ill behooves this government to take away from them

the preference laid down for them in the statute since 1918. No one is asking that they shall be given positions unless they are qualified, but I submit in the strongest possible terms that this section is a direct confiscation of rights which have long since been given these men, rights to which they are entitled, which have been recognized by other countries, which have been recognized in civilian industries, and which this parliament should hesitate before taking away from the returned men.

Mr. GUTHRIE: I thought I made it clear this afternoon that if returned soldiers were qualified, not suffering from physical incapacity, I would welcome a clause in the bill to give them preference. My hon. friend need not have engaged in his rather heated remarks on the subject. General Ormond's report had nothing to do with the suggestion and if my hon. friend from West Lambton will draft a clause I shall be glad to consider it. I must say it is difficult, having regard to the fact that the men must have physical qualifications; and if they are pensioners suffering from some physical disability one can hardly ask them to be guards. The other question is with regard to the age limit; thirty-five is the limit. A man who was twenty-six or twenty-seven at the end of the war would now be pretty well advanced in years. In the case of returned soldiers we extend it to forty, so that now any returned soldier up to forty can become a ~~xxxxxx~~ guard. I do not know that for the position of guard I would increase the age limit above forty because a man must be hale, hearty and husky to fill the position. If my hon. friend from West Lambton can agree with me on a clause I shall be only too glad to include it in the bill add see that the preference is maintained.

the prohibition fell even for them in the eleventh since 1914. So one is asking that they should be given positions which they are qualified, but I submit to the personal sensibility there that only reminiscence of a distant consideration of rights which have long since been given those men, rights to which they are entitled, which have been recognized by other countries, which have been recognized in civilian industrial, and which they enjoyed several hundred years ago by very, honored men.

Mr. [illegible]: I thought I made it clear this afternoon that if assured soldiers were qualified, and suffering from physical incapacity, I would welcome a chance in the Bill to give them preference. My hon. friend need not have suggested it was neither limited remarks on the subject. General Ressor's report had reached me on this subject and if my hon. friend from Cape Breton will find a clause I shall be glad to consider it. I must say it is difficult, having regard to the fact that the man must have physical qualifications; and if they are permanent suffering from some physical disability one can hardly ask them to be equals. The other question is not a point to the 5-5 limit; sixty-five is the limit. A man who was twenty-six or twenty-seven at the end of the war could not be expected to be 65. If the idea of returned soldiers we owned it be 65, so that we can provide suitable ex to Ferry and become a [illegible] guard. I do not know that the [illegible] I would increase the age limit above sixty, because a man must be able, mentally and bodily to fill the position. If we could find [illegible] which we do in a clause I shall be glad to do so. [illegible] problems in addition.

Mr. GRAY: I appreciate the ramarks of the minister. Unfortunately I was not present this afternoon when he spoke and I may have been the cause of misleading my hon. friend from Shelburne-Yarmouth in that regard. I do not think I misled him to any great extent, however. I am glad to hear what the minister has just said, and if this is not the proper place for the clause he proposes, perhaps we can let the section stand.

Mr. GUTHRIE: I desire to get in certain amendments, but we will reserve a place for the new section.

Mr. GRAY: That will be all right.

Mr. GUTHRIE: These amendments are technical. I have submitted them to my hon. friend for Quebec East and he has approved of them. The first amendment is:

> That section 2 be amended by striking out lines 20, 21 and 22 and by inserting in lieu thereof:
>
> "who are engaged in and about the various penitentiaries and are upon the respective staffs thereof."

Amendment agreed to.

Mr. CHEVRIER: I wish to congratulate the minister on having limited the effect of the bill so far as this section is concerned. What is the meaning of "and other administrative or executive officers" in view of the fact that the clerical staff and others have been confined to the operation of the Civil Service Act?

Mr. GUTHRIE: We have all sorts of instructors, keepers and so on, and that is the class to whom it refers.

Mr. CHEVRIER: Those within the penitentiary?

Mr. GUTHRIE: Yes, on its staff. The next amendment is to subsection 2, to strike out the words "clerks and employees" in line 24.

Amendment agreed to.

Mr. GRAY: I appreciate the remarks of the minister. Unfortunately I was not present this afternoon when he spoke and I may have been the cause of misleading my hon. friend from Glengarry-Prescott in that regard. I do not think I misled him to any great extent, however. I am glad to hear what the minister has just said, and if this is not the proper place for the clause he proposes, perhaps we can let the section stand.

Mr. McILRAITH: I desire to put in certain amendments, but we will reserve a place for the new section.

Mr. GRAY: That will be all right.

Mr. [illegible]: These amendments are technical. I have given them to my hon. friend for [illegible] and he has approved of them. The first amendment is:

That section 8 be amended by striking out lines 28, 29 and 30 and by substituting the following therefor:

"who are engaged in and about the mine or quarry [illegible] and are upon the respective works thereof."

Amendment agreed to.

Mr. [illegible]: I want to congratulate the minister on having limited the effect of the bill so far as this section is concerned. That is the [illegible] in view of the fact that [illegible] to the [illegible].

Mr. [illegible]: [illegible] that is the [illegible].

Mr. [illegible]: [illegible]

Mr. [illegible]: That is the point. The next amendment is to paragraph [illegible] of section 8, by striking out the words [illegible] in line [illegible].

Amendment agreed to.

Mr. GUTHRIE: There is another amendment to subsection 2, to add the words "administrative or executive" after the word "other" in line 23.

Mr. RALSTON: Does this section stand?

Mr. GUTHRIE: As amended.

Mr. RALSTON: My hon. friend suggested some amendment to preserve the ex-service man's preference.

Mr. GUTHRIE: After section 4, or anywhere in the bill, so that it will be a general section to apply to the whole bill.

Amendment agreed to.

Section as amended agreed to.

On section 3- Appointment of guards, trade instructors and subordinate officers.

Mr. POWER. Is there any amendment here?

Mr. GUTHRIE: I have an amendment to propose, that subsection 3 be added to section 3 in the following words:

" All other officers, clerks and employees of the penitentiary branch of the Department of Justice shall be appointed and paid, under the provisions of the Civil Service Act.

MR. POWER: Section 3 reads:

The said act is further amended by inserting after section twenty thereof the following section:-

20A (1) The superintendent may, upon the recommendation of the warden, appoint such guards, trade instructors and other subordinate officers and employees as are necessary for the service of any of the penitentiaries.

Perhaps the meaning of the amendment to clause 2 was not made quite clear, but as I understand it, that clause covers all these officers.

Mr. LAPOINTE: Oh, no.

Mr. POWER: Clause 2 reads:

The governor in council may appoint such inspectors, wardens, deputy wardens and other administrative of executive officers as are required for the proper administration and management of the penitentiaries.

And all other officers in and around the building, or words to that effect. If that is the case, that clause would cover guards, trade instructors and subordinate officers.

Mr. GUTHRIE: It would depend upon the meaning you put upon the words "executive and administrative officers."

Mr. POWER: The minister added something to the clause referring to all other officers.

Mr. GUTHRIE: The words added were:

---who are engaged in and about the various penitentiaries and are upon the respective staffs thereof.

Mr. POWER: Would not that include guards, trade instructors and other subordinate officers?

MR. GUTHRIE: Yes.

Mr. POWER: Under section 2 the governor in council appoints those officers and under section 3 the superintendent appoints them.

Mr. GUTHRIE: The intention is that the governor in council shall appoint the wardens and deputy wardens, and other administrative or executive officers which would include accountants and people of that kind. Then we come down to the minor officials, the guards, the instructors, the keepers and so on.

Mr. POWER: As I understand the amendment it would cover guards, trade instructors and other subordinate officers.

Mr. GUTHRIE: We have left out guards, keepers and instructors until this clause.

Mr. POWER: Would the minister read section 2 as amended?

Mr. GUTHRIE: It would read:

The governor in council may appoint such inspectors, wardens, deputy wardens and other administrative or executive officers as are required for the proper administration and management of the penitentiaries, and who are engaged in and about the various penitentiaries and are upon the respective staffs thereof.

Mr. POWER: I had misunderstood the amendment. In connection with the appointments to be made under section 3, the minister gave an assurance to the hon. member for Nelson (Mr. Mitt) during the course of the debate that in making appointments under this section preference would be given to returned soldiers. General Ormond has stated distinctly that he does not consider returned soldiers as being fit for these jobs and yet this section gives him the power to make these appointments. How can the minister assure the committee that the superintendent will do anything else but what he would be expected to do in the face of that statement?

Mr. GUTHRIE: We will draw up a clause to cover that.

Mr. POWER: Under the bill, the superintendent would have the discretion.

Mr. GUTHRIE: Upon the recommendation of the warden.

Mr. POWER: The minister knows that if the superintendent is any good at all there is no clause which can prevent him from exercising some discretion. This gentleman has entered upon this position apparently sincerely convinced that returned soldiers who have been privates would not be fitted to be penitentiary guards. I do not think the minister would be fair to the superintendent by endeavouring to circumscribe his activities by telling him that he must appoint so and so.

Mr. GUTHRIE: I would not be telling him, the law would be telling him.

Mr. POWER: I suggest that this section should be changed and the power of appointment taken away from the superintendent. He is bound to follow the recommendations he made in his report.

Mr. GUTHRIE: No, he is not; that is nonsense. I think any reasonable man would understand that report to refer to the individuals with

whom he was dealing in Kingston. I have agreed to put in a clause which will make it obligatory that first preference be given to returned soldiers.

Mr. POWER: I would suggest that instead of leaving this to the superintendent, the minister should take the right to make appointments by order in council.

Mr. GUTHRIE: I thought that that would be objected to.

Mr. POWER: I would rather place the responsibility upon the government than upon a superintendent who has expressed himself in such a manner. The minister knows my views upon the Civil Service Act, so what is the use of camouflaging behind wardens and superintendents - let the government take the responsibility and appoint these men.

Mr. GUTHRIE: I would refer to the Royal Canadian Mounted Police which I have the honour of administering for the time being. All appointments to this force are made without consultation with me. All appointments are made by General MacBrien and his staff and the political element does not enter into the appointments. If it is seriously thought that these appointments should be made by the governor in council, I am willing to amend the bill in that way. However, I think a clause to safeguard the rights of the soldier would be sufficient.

Mr. POWER: There is a great difference between enlistments for the mounted police force and appointments to a civil service job. After the discussion we have heard with reference to General Ormond I think the majority of the members of this committee would rather trust the government to make such appointments and see that the returned soldier got a preference. If this principle was not carried out we would have the opportunity of pointing out to the government

when he was during the war. I have asked to put in a clause which will make it obligatory that preference be given to returned soldiers.

Mr. [illegible]: I would say not that instead of leaving this to the superintendent, the minister should take the right to make appointments of order in council.

Mr. CURRIE: I thought that that would be objected to.

Mr. [illegible]: I would rather place the responsibility upon the government than upon a superintendent who has expressed himself in such a manner. The minister takes my views upon the civil service Act, so that is the use of unnecessary social studies and entertainment - let the government take the responsibility and account there for.

Mr. CURRIE: I would refer to the Royal Canadian Mounted Police which I have the honour of administering for the time being. All appointments on this force are made without consultation with me. In Alberta the [illegible] of security [illegible] and the civil police [illegible] element does not enter into the consideration. If it is seriously thought that these appointments should be made by the governor in council, I am willing to amend the bill in that way. However, I think a clause to safeguard the rights of the soldier would be sufficient.

Mr. [illegible]: There is a great difference between [illegible] the Canadian Police Force and Commission in the civil service Act.

[illegible]

wherein it was remiss, whereas otherwise there may be a hiding behind the superintendent.

Mr. CHEVRIER: There is a vast difference between making appointments to the Royal Canadian Mounted Police and to the staffs of the penitentiaries. In all my twelve years of experience in government work I never heard General MacBrien or his predecessor make such a derogatory statement in connection with returned men as that made by General Ormond. It would be extremely difficult to frame a clause to give preference to the returned men and expect a superintendent who has made the statements he has to enforce that clause. This gentleman has made certain statements regarding the returned men and if we tell him that he must enforce a clause in a certain way, we are putting the whole act in jeopardy. Some other means ought to be devised of enforcing this act - let somebody else other than the general administer the act.

Mr. BURY: Much of the criticism that has been offered and many of the suggestions that have been made refer not to a bill intended to be enacted into law but to an appointment that happens to have been made to the position of superintendent of penitentiaries. Surely the principle is a more vital matter than the particular appointment, which some hon. members are criticizing. That was the very argument that was earlier used in regard to this bill, the force of which the Minister of Justice recognized by making changes in the wording of certain sections of the bill. I suggest that the committee is really trying to draft the bill on a wrong principle.

Amendment agreed to.

Section as amended agreed to.

On section 4 -- Departmental staff.

Mr. MACKENZIE KING: Should clause 4 not be struck out?

Mr. GUTHRIE: No, it repeals section 23 of the Penitentiary Act which now has no effect because we have added the words "all other officers".

Section agreed to.
Section 5 agreed to.

On section 6 -- No increase of gratuity if compensation payable.

Mr. GUTHRIE: That is just to prevent double compensation.

Section agreed.
Section 7 agreed to.

On section 8 -- No gratuity payable under Civil Service Act.

Mr. CHEVRIER: This afternoon on the bill to amend the Royal Canadian Mounted Police Act there was a provision that time served by men in the South African war would count. That is only proper. I note in clause 7 this provision:

> But the amount of the gratuity which may be paid under this act to any such officer on retirement from the service shall be computed in respect only of the period of his service down to the date on which he became a contributor under either of the acts aforementioned.

I do not quite grasp this, but I would not want to be taken as consenting to the limitation of any particular length of service. If a man has had prior service, that, as in the case of the other act, ought to be taken into account.

Mr. GUTHRIE: This provision is only to prevent a claim for double gratuity or retirement allowance.

Mr. CHEVRIER: But his time should count just as it did in the other case.

Mr. GUTHRIE: Clause 8 takes away any claim under the Civil Service Act and gives them a claim under this act.

Section agreed to.

HOUSE OF COMMONS DEBATES

April 4, 1933, - VOL.IV

PENITENTIARY ACT AMENDMENT

Proposed appointment of officials by Governor in Council.

Hon. HUGH GUTHRIE (Minister of Justice): Since the committee had this bill under consideration yesterday I have talked to the Deputy Minister of Justice in regard to one of the amendments which he made and in regard to which he thinks the language might be very much improved. I refer to subsection 3 of section 3. The following words were added as subsection 3:

> All other officers, clerks and employees of the penitentiary branch of the Department of Justice shall be appointed and paid under the provisions of the Civil Service Act.

It has been pointed out that the words "shall be appointed and paid" are not proper. There are more provisions in the Civil Service Act than appointment and pay. The amendment I have to propose is the insertion of a new clause in these words:

> All other officers, clerks and employees of the penitentiary branch of the Department of Justice shall continue to be subject to the provisions of the Civil Service Act.

The CHAIRMAN (Mr. Gagnon): Shall the amendment passed last night be rescinded, and the new section now proposed be adopted?

Amendment agreed to.
Section as amended agreed to.

Mr. GUTHRIE: On the suggestion of my hon. friend from West Lambton (Mr. Gray), a clause has been drafted to meet the question raised with reference to returned soldiers. The hon. member for West Lambton and myself and others went over the matter this morning and drafted a clause which I propose to insert, with the concurrence of the committee, as 20B:

Proposed amendment of criminals by "Treason in Canada".

Hon. [illegible] (Minister of Justice): Since the committee had [illegible] yesterday I have to rise to the Deputy Minister of Justice in regard to some of the amendments which he made and I proposed to [illegible] the language which he has been work in-[illegible]. I [illegible] to [illegible] 3 of Bill [illegible]. The following words were moved as amendments:

All owner [illegible], [illegible] in the [illegible] of the [illegible] may be [illegible] of a [illegible] shall be [illegible] and will under [illegible] of the Civil Service [illegible].

It has been [illegible] that the words "Civil" as applied and "Civil" are [illegible]. There are many [illegible] in the Civil Service Act that are [illegible] and [illegible]. The [illegible] I have to propose in the insertion of a [illegible] these words:

[illegible] [illegible], [illegible] [illegible] of [illegible] [illegible] [illegible] of the [illegible] or [illegible] shall continue to be [illegible] as the [illegible] in the Civil Service Act.

Mr. [illegible] (Mr. Stevens): Shall the amendment moved last night be [illegible], and the new section now proposed be adopted?

[illegible]

> In making appointments under the powers conferred by this act, the governor in council and the superintendent respectively shall extend to returned soldier applicants the preferences set out in section 29 of the Civil Service Act.

Section agreed to.

Mr. GUTHRIE: There is one other matter which has been called to my attention since last evening. There is an anomaly in the Penitentiary Act as it now stands by reason of an amendment to the criminal code passed in 1929. Under that amendment the crown was permitted to appeal in criminal cases; in other words, where a man was tried for a crime and the charge against him was dismissed, the crown was permitted to enter an appeal. In many cases the prisoner was forced to remain in gaol pending the hearing of the appeal because he was unable to furnish bail. Sometimes a man would spend three, four or five months waiting the result of the appeal. Under the provisions of the Penitentiary Act as it now stands on the statute books, the time spend in gaol pending trial shall not be credited on the length of the sentence and it is now proposed to amend that section by providing the following.

> Any period during which a convict is detained in the gaol or other place of confinement pursuant to the authority of this section shall not be computed as time served in the execution of his sentence unless he be so detained pending an appeal by the attorney general or counsel for the crown.

If the crown appeals and the charge against the man is subsequently abandoned or dismissed, the time spent in gaol pending appeal shall be considered as part of the sentence.

Mr. MACKENZIE KING: Is he a convict if he has been acquitted?

Mr. GUTHRIE: We are not changing the law with reference to an appeal by a man who has been convicted; we are dealing with the man who has been acquitted. After the crown appeals and the man is finally convicted; the time spent pending appeal shall be taken as part of his sentence.

Mr. YOUNG: If he is acquitted?

Mr. GUTHRIE: The same.

Mr. YOUNG: What will be his sentence if he is acquitted?

Mr. GUTHRIE: If he is acquitted, he goes free like my hon. friend. I move that this provision be added to the bill as clause 9. It would remove the anomaly which now exists by reason of the amendment to the criminal code made in 1929.

Mr. HANSON (York-Sunbury): In the case of a man appealing after being convicted, would the time he had spent in gaol countin his sentence?

Mr. GUTHRIE: No.

Mr. HANSON (York-Sunbury): I do not see why the converse of the proposition now proposed by the minister should not apply; I think in both cases the time spent in gaol should count on the sentence.

Mr. GUTHRIE: It never has applied.

Mr. HANSON (York-Sunbury): Because a thing has never been the law is no valid reason why it should not be the law.

Mr. McINTOSH: You are right this time.

Mr. HANSON (York-Sunbury): I am always right.

Mr. MACKENZIE KING: If a man is acquitted how can he be described as a convict.

Mr. GUTHRIE: The section describes as a convict the man who has been convicted. The section reads, "any period during which a convict is detained in the gaol or other place of confinement pursuant to the authority of this section." Where a man has been convicted the time so spent shall not be computed as time served in the execution of his sentence. That has been the law for generations. Under the Ticket of Leave Act we often recommend that the time spent in gaol

before trial shall be counted in reckoning the time after which ticket of leave shall be granted, but the matter of an application for ticket of leave is not involved in this. Ordinarily the warden computes the sentence as from the date it is pronounced in court notwithstanding, the fact that the man may have spent a certain period in gaol before the trial. Where a man has been acquitted and the crown or the attorney general for the crown enters an appeal and the man is subsequently convicted, the time spent in gaol shall be counted as part of his sentence.

Mr. MACKENZIE KING: Is it fair to describe a man who has been acquitted of a crime as a convict?

Mr. GUTHRIE: Where a man appeals and is subsequently convicted, he is still a convict.

Mr. MACKENZIE (Vancouver): He is not a convict until the appeal is decided.

Mr. GUTHRIE: He is a convict as soon as the appeal is decided and the time spent in gaol pending appeal by the crown is taken as part of his sentence.

Mr. MACKENZIE (Vancouver): Should he be termed a convict during the period prior to the deciding of the appeal?

Mr. GUTHRIE: The section does not describe him as a convict until he has been finally convicted and is serving his term of imprisonment. That is the time referred to in this section, and it becomes a question of deciding when he will be released from penitentiary.

Mr. ELLIOTT: Would the minister read the section again?

Mr. GUTHRIE: It reads:

> Any period during which a convict is detained in the gaol or other place of confinement pursuant to the authority of this section shall not be computed as time served in the

execution of his sentence unless he be so detained pending an appeal by the attorney general of counsel for the crown.

That time shall bount as part of his sentence.

Mr. ELLIOTT: But he does not become a convict until the court of appeal overrules his acquittal.

Mr. GUTHRIE: This section does not have any effect until the man is actually convicted and imprisoned. If this section is passed the warden of the penitentiary would be allowed to count the time the man spent in gaol pending appeal as part of his sentence. The ordinary man will get bail and will not spend that time in gaol, but if he has had to spend it in gaol it shall be counted as part of his sentence.

Mr. EULER: I should like to ask a question of the minister as a layman. It is suggested that the time a man spends in gaol pending appeal shall be counted upon his sentence, but should not the time spent in gaol prior to his original trial be counted too?

Mr. GUTHRIE: It never has counted.

Mr. EULER: That is not a very good reason why it should not be counted.

Mr. BENNETT: The judge takes that into consideration when awarding punishment.

Mr. EULER: It should be taken into consideration on the appeal.

Mr. GUTHRIE: As a rule, the court of appeal does not fix the punishment.

Amendment agreed to.

Bill as amended reported, read the third time and ~~xx~~ passed.

.....I should like to relate his experience as an illustration of the prison discipline in the old country and what it means to those who have had the opportunity, the privilege or the misfortune- it depends upon how you look at it- to experience it. Upon reaching Liverpool young Harris deserted, got into bad company and undertook to do some house-breaking. Later on he was apprehended by the police, convicted and sentenced to prison at hard labour. If my memory serves me right, he was sent to Wormwood Scrubbs. His experience there, illustrating what hard labour in a British prison means, is, in substance as follows: For some weeks after sentence he was given daily alternating periods of exercise on the treadmill, followed with an equal period of picking oakum. I fancy none of my hon.friends have had much experience in picking oakum. This means teasing by hand old hard tarred hemp rope for the caulking of ships. The treadmill is built inside a wooden tank which is connected with a water main. The treadmill continues to work, it pumps the water out as fast as it comes in. If the man ceases to pump, the water rises and drowns him out; he has either to pump or drown. After forty minutes of this type of exercise, he is given forty minutes picking oakum, the idea being that a period of forty minutes on the treadmill is about as much as he can stand physically.

He had five hours of this exercise in the forenoon. Then he got some dinner or lunch composed of thin skillet and black bread which is a mixture of whole wheat and barley. He got just sufficient of this to maintain life and a little more and at the end of six weeks he had lost forty pounds in weight. His narrative in regard to the

[illegible]

[illegible]

.....I should like to relate the experience as an illustration of the prison discipline in the old country and what it means to those who have had the opportunity, the privilege or the misfortune- it depends upon how you look at it- to experience it. Upon reaching [illegible] prison [illegible] and [illegible] to do some house-cleaning. Both on in was apprehended by the police, convicted and sentenced to prison at hard labour. In my memory serves me right, he was sent to the "Wood Gaming". The experience there, illustrating what a hard labour in a British prison means, is, in a nutshell as follows: For some weeks after sentence he was [illegible] physically [illegible] problem of emptying on the treadmill problem has to small method to [illegible] other. I have been of my non-friends have had much experience in picking oakum. This means unwinding by hand old, [illegible] hemp rope for the caulking of ships. The treadmill is really simply a wooden tank which is [illegible] pumps the water out as fast as it comes in. If the man ceases to pump, the water rises and drowns him out; he has either to pump or drown. Other forms of this type of exercise, he is [illegible] of forty minutes on the treadmill is about as much as he can stand physically.

He had five hours of this exercise in the forenoon. Then he got [illegible] is a mixture of whole wheat and barley. He got just sufficient to [illegible] the [illegible] and of air which [illegible] to reduce. Men sentenced to regard to [illegible]

scarcity of food is very interesting. He said that every crumb that could be salvaged in any way or stolen from somebody else, was utilized. If a crumb fell on the stone floor, he stooped down moistened his finger, picked it up and was glad to get it. While on the treadmill the operatives fell under the observation of the prison doctor who watched them closely, and in the case of near collapse varied somewhat the forty minutes treadmill period. In short this man was worked to the limit and fed pretty close to the point of starvation. After he got through he took very good care, so far as the future was concerned not to enter again a British prison or risk another period of penal servitude. In this connection it occurs to me that if some of our young bucks that are today occupants of St. Vincent de Paul, Portsmouth or Dorchester, had six months similar experience this might induce them to give some thought as to the advantages of leading a regular rather than an irregular life, and our prisons would be less popular than they apparently are at present with a considerable section of our criminal class. What is a particularly serious consideration is the startling increase of crime among the young men of this country,practically all of whom are armed, as the prison committments of recent years so clearly show.

In this connection it might be interesting to compare the crime statistics of Great Britain with those of our southern neighbours or even our own Canadian criminal record during the part decade. It might also be interesting to note that during the part ten years practically one-half of the prisons of Great Britain have been closed due to lack oc occupation. Contrast this with the great increase in the present prison system occupation in Canada

April 11,1933, Cont'd.

over the same period.

The prime object of our penal system is the protection of society. To this end the main thing is to have punishment of crime, first, sure; second, swift, and third, most unpleasant for the criminal. In dealing with the matter of prison discipline, we should be neither vindictive nor sentimental. In Canada to-day too much sentiment is wasted on self determined criminals. Men convicted of crime should not be regarded as other than what they are - enemies of society.

Penitentiaries are penal institutions and those incarcerated therein are there as a punishment for crime committed in defiance of law, order and the general welfare of society. All such enemies of society, while undergoing prison sentences should be deprived of all luxuries and given only a minimum of wholesome food with reasonable periods for rest after toil. Allowances of tobacco or any luxuries I would not permit, and be it known that during the year ended, March 1932, there was spent in Canadian prisons for pipes,tobacco and so forth, nearly $18,000; for dental services for the same inmates nearly $10,000, and for medical and hospital treatment over $37,000. These sums particularly that spent on tobacco and cigarettes, will, I take it this year be much larger and, in all, for luxuries and hospitalization will probably exceed $75,000. For library and literature last year the cost was $6,000. Notwithstanding these expenditures, some of our decayed clerical morons and antoque virgins of Toronto and some other places are not yet satisfied and have expressed the view that greater luxuries should be available for these gentry. As regards physical punishment this, under certain conditions is not only justifiable, but necessary, and is the only effective punishment for some types of offenders.

over the same period.

The prime object of our penal system is the protection of society. To this end the main aims is to prevent punishment of crime, first, [illegible], etc. [illegible]

In dealing with the matter of a less discipline, we should be neither vindictive nor sentimental. In Canada to-day too much sentiment is wasted on self-confessed criminals. Men convicted of crime should not be regarded as other than what they are - enemies of society.

Penitentiaries are penal institutions and those incarcerated there are there as a punishment for crime committed in defiance of law, [illegible] Ar Society. [illegible]

[illegible] inmates and gives only a minimum of wholesome food with reasonable [illegible]

I would not permit, and be it known that during the year ended March 1942, there was spent in Canadian prisons for pipes, tobacco and so forth, nearly [illegible]; for medical services for the same inmates nearly $16,000, and for radio i and hospital treatment over $[illegible]. [illegible]

and objectives, will, I take it this [illegible] be much larger and, in all, for [illegible] and rehabilitation will probably exceed $75,000. For Library and literature last year the cost was $6,000. Sat-[illegible] these commitments, some of our designed clinical [illegible] Alberta or [illegible] to and some other places are not yet [illegible]

[illegible]

/For rape and robbery with violence, I would prescribe the old sea-going cat-o-nine tails, immediately after entering prison to be followed be s similar quarterly application lest they forget. During January, last I received a letter from one Reverend Phillip Jones, M.A., D.D., of Toronto, enclosing some printed matter, one an appeal from the Social Service Council of Toronto, and another from the Canadian Prisoners' Welfare Association of Montreal, each covering several typed pages of advice tendered to the Minister of Justice. The opinions therein expressed and the advice so freely offered are an indication of the type of officious meddlesome idlers who suggest that our prison population should be given suitable recreation with payments while in prison, and whose well-being should be the subject of careful consideration by a special board to be composed of a judge, a lwayer, a physician, a clergyman, an industrialist, a social worker, a college profeeeor and an editor, the duties of the latter I presume, to be to broadcast the views and wishes of the prisoners. According to these gentry corporal punishment is discredited, instead of which, prisoners should have the finer influences of literature and music and the physical side of the inmates should be catered to by healthy exercise such as foot ball, baseball and similar forms of recreation. Furthermore,in the achievement of such progressive and up to date treatment the prison authorities should have the aid of uno ficial workers and the prisoners recreation should be in accordance with the national ideas of sport. Those, Mr. Speaker are the iddas held by these gentlemen in Toronto, including the Rev.Phillip Jones, M.A., D.D, and so on. With practically all of such suggestions I am in distinct disagreement and have some doubts as to the mental condition and capacity of those making them.

Until it, life, death.

For rape and robbery with violence, I would prescribe the old
[illegible] punishment, namely, the public flogging which is
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the primary [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. Yours, Dr. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
and so on. With [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

April 11,1933, Cont'd.

Referring to the new penal regulations as published in the Montreal Star of December 30 last, may I say that in my judgment the greater consideration there shown for prisoners is an entirely mistaken departure in prison policy. Men convicted of serious ~~offence~~ crimes should not be regarded otherwise than what they are, namely, enemies of society. Our penitentiaries are penal institutions and those incarcerated therein are there as punishment for crimes and misdemeanours committed in defiance of Canadian law, order and good behaviour..In view of this, in my judgment these men should be deprived of all luxuries and comforts and given only sufficient wholesome food and reasonable periods for rest.

Referring to the Ticket of Leave Act and the matter of release of prisoners who have served but a portion of the sentences originally imposed upon them -,of which, so far as I am aware the last outstanding examples are those of that precious pair of scoundrels, Mowat and MacGillivray-may I say that the idea that buccaneers of ~~kn~~ that type should escape with little better than one-half of what,in popular judgment, was certainly not an excessive prison sentence, is provocative of indignation particularly on the part of those who were cognizant of and suffered from the operations of these brokers. The minister is not in his seat, but I should like to say that I do not wish my fellow members to suppose that I hold him personally responsible for the release of those gentlemen. Unfortunately, the law was, and still is, such that he had no choice in the matter.

A reasonable diminution in the time to be served by prisoners, based on good conduct, is not objectionable. I submit however, that such dominution should not exceed thirty days per year of service. In other words a man given a ten year sentence, if his

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A remarkable distinction [illegible], [illegible], [illegible] of [illegible]. In [illegible]

conduct were uniformly good throughout the period of incarceration, might be entitled to 300 days good conduct rebate, and given his liberty after having served say, nine out of a ten year sentence. Such treatment would in my judgment be reasonable and I submit the present law in connection therewith should be amended. That practically exhausts what I have to say concerning the treatment of prisoners, tickets of leave and discipline. I know of no possibility of reforming criminals except by punishment. The eternal law is that punishment of some kind must follow a crime, that the way of the transgressor is hard is true and as it should be and the sooner these gentry understand it and the sooner it is drilled into them by practically the only way in which they can be reached, namely by physical discomfort, the wuicker we will be rid of that herd of young men who to-day are occupying our prisons in practically double the number of a few years ago. Another interesting point in connection with prisoners is that of their ages. We are told that the world is upset, due to the world war. But if we look over the prison records of most of the young men in our penitentiaries to-day we will find they range between the ages of eighteen and twenty-six. They constitute also by far the most dangerous part of our prison population. What do those young men know about the war? When the war began, most of them were just out of the cradle, and were only ten or twelve years of age, when it ended. Therefore the war cannot be blamed for the increasein our prison population; we will have to look somewhere else for the reason. I believe we should look first in the homes and consider the home training. There is no such training in the homes of to-day as obtained fifty or sixty years ago. Practically every hon.member in the house familiar with these matters must agree

April 11,1933, Cont'd.

with that statement. The period when I have to look after my family has passed. But there are men within my hearing today who might well consider giving more attention to the younger members of their family than a good many people in Canada are giving toby.

3-18

April 12,1933. WARDEN OF COLLINS BAY PENITENTIARY.

Mr. Sanderson:

For a copy of all correspondence telegrams recommendations, reports, memoranda and other documents on the files of the Minister of Justice, the Solicitor General and of the Civil Service Commission in respect to the appointment of R.M.Allen to the position of warden of Collins Bay penitentiary.

Mr. Bennett: Mr. Speaker, I think a motion in that form should hardly be passed because there are memoranda placed onfile that are not subject to production by order of the house. There is no difficulty about the motion if it is understood that it does not cover documents that are not produceable under such an order. Sometimes memoranda are made on documents for confidential purposes and should not be brought down in the house; but subject to that there is no objection.

Mr. Speaker: Carried with that reservation.

SUPPLY - CIVIL SERVICE COMMISSION.

April 24, 1933.

Please instruct Inspector Jackson to return to his regular duties at Ottawa as inspector and place Mr. Allan in charge of the preferred class penitentiary, Collin's Bay, as actin warden. Please also apply to the Civil Service Commission for the promotion of Mr. Allan to be warden of said institution, and for the promotion of Mr. Hawkins to the position now occupied by Mr. Allan.

P.4212.

HOUSE OF COMMONS DEBATES

April 28, 1933 - VOL.IV.

PENITENTIARY ACT AMENDMENT

Concurrence in Senate Amendment.

Hon. MAURICE DUPRE (Solicitor General) moved the second reading of and concurrence in an amendment made by the Senate to Bill No.59, to amend the Penitentiary Act.

Mr. MACKENZIE KING: What is the nature of the amendment?

Mr. DUPRE: By virtue of the Government Employees Compensation Act, any officer who is injured receives compensation. By virtue of Bill No.59 he will also receive a gratuity, so in the case of an officer injured while handling a convict, for instance, he might receive a double gratuity, plus compensation. The object of the amendment is to ensure that an officer who is injured while handling a convict, for instance, will receive, not a double gratuity, but simply a gratuity plus compensation if he is eligible to compensation in virtue of provincial law.

Mr. MACKENZIE KING: Would the minister read the amendment if he has it available?

Mr. DUPRE: With pleasure. The amendment, which appears at page 412 of the votes and proceedings, reads as follows:

> Subsection one of section thirty-two of the said act is further amended by adding thereto the following proviso:-
>
> "Provided that the retiring allowance authorized by this subsection shall not be paid to any officer if he is eligible to receive compensation in respect of the infirmity or injury which has compelled his retirement from the service under and in virtue of the provisions of the Government Employees Compensation Act."

Mr. ELLIOTT: The idea is that he shall not receive two compensations at the one time?

Mr. DUPRE: Yes. But for this amendment he would receive double gratuity plus compensation. With this amendment he will receive simply his gratuity, plus compensation.

Mr. LaVERGNE: In this bill we seem to be legislating on a matter which is entirely provincial. The contract covering a man's services is a civil and provincial matter, and I do not know that this parliament has the power to legislate on a civil contract and determine questions of compensation, or how services shall be terminated, and under what conditions. A man may be dismissed for cause or without cause, and in our province the man may be open to receive compensation even if he is dismissed for cause, or even if his services were not definitely limited to a certain term. Under the French law, compensation has been awarded to a man who has lost his position although there was no fault either on his part or on the part of the company because a civil contract which has no term fixed is binding on the two parties and one party cannot terminate it without paying compensation to the other party. We are here legislating on what I think is a civil matter.

Mr. DUPRE: Answering my hon. friend, I do not think that we are in the least infringing upon provincial rights because by virtue of chapter 30 of the statutes of 1927, the Government Employees Compensation Act, any federal employee is entitled to the benefit of the provisions of any provincial act. At the present time there is a compensation act in every province, if I am not mistaken, therefore, the right to receive a pension is not taken away by the present measure. As heretofore the officer in charge will continue to receive

compensation by virtue of the provincial legislation. All we enact is that in addition to that he will be entitled to receive a gratuity from the federal government. Any officer compelled to retire from the service on account of some mental or physical infirmity or injury will receive one gratuity. Any officer who has been hurt or injured by handling a convict or trying to prevent disturbances and so on, will receive double gratuity. We do not want a man who has been hurt while handling a convict or quelling a disturbance to be put on an inferior footing. If he is entitled to double gratuity he will not receive that double gratuity if he already receives compensation by virtue of provincial legislation. He will be entitled only to the gratuity, plus the compensation to which he is entitled by virtue of provincial legislation.

Mr. LAVERGNE: What about the men who are dismissed?

Mr. SPEAKER: The house is not in committee. The hon. member may speak only once.

Mr. BURY: I understand that the only right which is interfered with is the right created by the federal act. The amendment reads: "Provided the retiring allowance authorized by this subsection shall not be paid..." It does not take away any other right, but simply deprives him of the right under the federal act to a retiring allowance where, under the provincial act, he would be getting compensation.

Mr. LAVERGNE: What about employees who are dismissed?

Mr. BURY: There is no interference with his provincial rights.

Motion agreed to; amendment read the second time and concurred in.

HOUSE OF COMMONS DEBATES

VOL. 1.

February 12, 1934. PENITENTIARIES.

Special Committee to Study Causes of Crime and Treatment of Criminals.

On the motion being called:

Miss Macphail:

That, in the opinion of this house, a special committee should be set up to investigate the causes of crime and to determine whether the penitentiaries of Canada are doing all that could be done towards protecting society by the reforming of the criminal.

Mr. Speaker: Is it the intention of the hon. member to proceed with the resolution?

Some hon. Members: Stand.

Mr. Speaker: If the resolution is called again and stands it will be dropped from the order paper.

Mr. Guthrie: Mr. Speaker, a special arrangement has been made at the request of the mover of this resolution who on account of ill health is not prepared to proceed with it. Your Honour noted the arrangement at the time, I think.

Mr. Speaker: My understanding was that in order to keep the resolution alive the debate would be commenced and adjourned; then the motion would hold a place on the order paper. If with the unanimous consent of the house the resolution is allowed to stand and not leave the order paper, there is no objection on the part of the Speaker. With that understanding the resolution stands.

Motion stands.

[illegible]

No. 1.

[illegible]

[illegible]

[illegible]

On the motion being called:

Miss McGrail:

That, in the opinion of this House, a special committee should be set up to investigate the causes of cancer and to determine whether the resources of Canada are doing all that could be done towards [illegible].

Mr. Speaker: Is it the intention of the honourable to proceed with the resolution?

[illegible]

Mr. Speaker: If the resolution is called again and stands it will be dropped from the order paper.

Mr. Ontiri: Mr. Speaker, a special arrangement has been made at the request of the mover of this resolution due on account of ill health is not prepared to proceed with it. Your honour noted the arrangement at the time, I think.

Mr. Speaker: If [illegible] the resolution [illegible] resolution alive the debate would be commenced and adjourned; then the motion would hold a place on the order paper. If with the unanimous consent of the house the resolution is allowed to stand and not leave the order paper, there is no objection on the part of the Speaker. With that understanding the resolution stands.

[illegible]

HOUSE OF COMMONS DEBATES.

VOL. 1.

February 14,1934 PENITENTIARIES.

Special Committee to Study Causes of Crime and Treatment of Criminals.

Miss Agnes C. Macphail (Southeast Grey) Moved:

That, in the opinion of this house, a special committee should be set up to investigate the causes of crime and to determine whether the penitentiaries of Canada are doing all that could be done towards protecting society by the reforming of the criminal.

She said: Mr. Speaker, first I wish to thank the Minister of Justice (Mr. Guthrie) and the house for their kindness for allowing the resolution which stands in my name to keep its place on the order paper, contrary, I believe, to the rules of the house. I am not usually one who is interested in receiving special privilege but in this case I am only too glad that the resolution is first on the order paper, in order that we may this year discuss this question ehich is becoming each year moreimportant. And I think if special privilege is to be extended by the house there is no group to which it could better be extended than those who are hidden away in a little world of their own, a world that I think is sometimes too hard and too difficult.

Perhaps there has not always been the interest in the subject of our prison population that there should have been. As well as accusing others in the house of neglect in this matter I plead guilty myself to failure to take a sufficient interest in the fate of our fellow citizens who are for the time being in penitentiaries. But this year there has been a considerable awakening of interest in the subject. Among the reasons for this is the fact that serious riots occurred in some penitentiaries, in Canada,

Miss Agnes E. Jaspan (Northwest Grp) said:

Mr. Chairman, in the opinion of this group, a special committee should be set up to investigate the causes of crime and to determine whether the punishment fits the crime, so that all that would be done towards protecting society is the reformation of the criminal.

She said: Mr. Chairman, first I want to thank the Minister of Reality for the resolution which stands in my name to keep his place on the order paper, because, I believe, to the minds of the House. I am not usually one who is interested in executive special privilege but in this case I am only too glad that the resolution is first on the order paper, in order that we may this year discuss this question which is becoming each year more important. And I think if special privilege is to be extended by the House there is no group to which it could better be extended than those who are hidden away in a little world of their own, a world that I think is sometimes too hard and too cruel.

Perhaps there has not always been the interest in the subject of our prison population that there should have been. As well as recounting cases in the issue of neglect in this manner I plead guilty myself to failing to take a sufficient interest in the fate of our fellow citizens who are for the time being in penitentiaries but this year there has been a considerable amount of interest in the subject. Along the process for this is the fact that serious riots occurred in some penitentiaries, in [illegible]

February 14,1934, Cont'd.)

and particularly following the riot in the Kingston penitentiary, rather spectacular trials were conducted in which accused rioters were represented by W.F.Nickle, K.C. of Kingston and Mr. Frank Regan of Toronto. Folloeing that came the publication of a series of articles entitled The House of Hate in Maclean's magazine and a book, the Shackling of the Transgressor, first published day by day in the Toronto Globe and later in book form. I want to say that I feel a debt of gratitude to Maclean's magazine and to the Globe and to these two men, one a broker and the other a doctor who had served terms in the Kingston penitentiary. I feel that, being men of education, having been one with us in the world outside, then serving a penitentiary term and telling their story to the world on coming out, they have done much for the inmates of the penitentiaries. I think there is another reason too why there is increased interest-although it is not very manifest at the moment, Mr. Speaker,- and that is because the number of prisoners in Canadian penitentiaries is increasing. In 1923 the number was 2,582 and the cost of maintenance $1,995,760 while for the year ended December 31,1933, the number of prisoners was 4,225 and the cost of maintenance $2,941,400. So there has been a considerable increase both in number and in cost. Then people who are interested in youth are now distressed to find that a very large proportion of this number are very young, a large percentage-I have not the exact figure but I know it is high,- are under twenty-five years of age. And when one thinks that on the outside there are a great number of young men, roving about without work, restless and discontented, one can see how concerned every one must be in the matter of the return to society of the youths who have been convicts in a better frame of mind than that in which they entered these institutions of punishment.

I worded the resolution as I did, asking that a special committee of the house should be set up to investigate the causes of crime and determine whether the penitentiaries of Canada are doing all that could be done towards protecting society by the reforming of the criminal, because I felt that if s special committee of the house were set up it would mean that quite a number of the members of this house would make a careful study of the causes of crime and of the administration, of the penitentiaries. Having done so they would not lose interest in the subject and since they would still be members of this chamber I felt that the interest that began in the committee room would be carried into the House of Commons and, I would hope, into legislation.

It is not that the condition of the penitentiaries has not been investigated. In 1914 a royal commission investigated Canadian penitentiaries because of great dissatisfaction existing at that time. They brought in a very excellent report which I read through yesterday and I am very sorry to say that many of the recommendations made by that commission as long ago as 1914 have not yet been implemented. Then, possibly because that was so, ~~and because~~ and because there was a great deal of dissatisfaction, a small committee that in its nature seems a good deal like a royal commission, was named in 1920 by Hon.Mr. Doherty, then Minister of Justice. That small committee, which was a roving committee and travelled extensively, had as members, O.M.Biggsr, K.C., W.F.Nickle, K.C. and P.M.Draper. They made a report which is the best thing on penitentiaries that has ever been published in Canada. They gave a plan for the carrying out of the reformation of the criminal rather than only punishing him. I am sorry to say,however that very few of the recommendations made by them-some it is true-have been put into effect.

I worded the resolution as I did, asking that a special committee of the house should be set up to investigate the causes of crime and determine whether the penitentiaries of Canada are doing all that could be done towards protecting society by the reforming of the criminal, because I felt that if a special committee of the house were set up it would mean that quite a number of the members of this house would make a careful study of the causes of crime and of the administration of the penitentiaries. Having done so they would not lose interest in the subject and since they would still be members of this chamber I felt that the interest that began in the committee room would be carried into the House of Commons and, I would hope, into legislation.

It is not that the condition of the penitentiaries has not been investigated. In 1914 a royal commission investigated Canadian penitentiary [illegible] at that time. The report is a very excellent report which I read through yesterday and I am very sorry to say that many of the recommendations made by that commission as long ago as 1914 have not yet been implemented. Then, possibly because [illegible] and because there was a great deal of dissatisfaction, a small committee that in its nature seems a good deal like a royal commission, was named in 1920 by Hon. Mr. Doherty, then Minister of Justice. That small committee, [illegible] and travelled extensively, had as members, O.M.Biggar, K.C., W.F.Nickle, K.C. and D.C.Draper. They made a report which is the [illegible]

They gave a [illegible]

[illegible]

[illegible]

[illegible]

February 14,1934, Cont'd.

I do not intend to go into the subject extensively, that would be too much to try to do in forty minutes, and I do not feel quite equal to covering the whole field, but I want to open it in order to give members who are interested a chance to debate the question. One can say without fear of contradiction that the Penitentiary Act is founded on vengeance, and that while that is so the reforming of criminals cannot be accomplished by its administration. Admittedly the administration is better than the act; it was admitted both by the royal commission and by the Doherty Committee that the administration of the act was better than the act itself, and that the act was often honoured more in the breach than in the observance. To substantiate that statement I should like to quote briefly from pages 10 and 11 of the Doherty committee report, and I am very sorry to say that so far as I have been able to find out this is the last copy of the report that is available.

The earliest attempts in the direction of a criminal procedure looked merely to the regulation of personal revenge. Later the state assumed the duty of avenging crime and forbade any direct intervention by those who suffered from it; but the revengeful character of punishment has persisted and the penitentiary system still bears the earmarks of its origin-

Again on page 11 they say:

Almost all the inmates of the penitentiaries must before they die be returned to freedom, and each prisoner on his release will be called upon to live the ordinary life of a free man. Society therefore must inevitably suffer, if during his term a convict's spirit has been broken, if his habit of industry, if it existed, has been suppressed and to the extent that his morals have been corrupted by prison associations. It is also true of course, that the convict himself suffers, but that consideration for the present purpose appear to be of primary importance. He has been guilty of a crime which, if he had lived a century ago, he would probably have expiated on the scaffold. That there should be suffering is inevitable, but it is ridiculous that society should store up trouble for its honest members, weaken itself, and involve itself in large and unnecessary expenditures.

I do not intend to go into the subject [illegible], that would be too much to try to do in forty minutes, and I do not feel quite equal to covering the whole field, but I want to open it in order to give members who are interested a chance to debate the question. One can say without fear of contradiction that the Penitentiary Act is founded on Vengeance, and that while [illegible] is so the reforming of criminals cannot be accomplished by this legislation. Admittedly the administration is better than the Act; it was admitted both by the Royal Commission and by the [illegible] Committee that the administration of the Act was better than the Act itself, and that the Act was often honoured more in the breach than in the observance. To substantiate that statement I should like to quote briefly from pages 10 and 11 of the [illegible] committee report, and I am very sorry to say that so far as I have been able to find out this is the last copy of the report that is available.

> The earliest [illegible] looked merely to the regulation of personal revenge. Later the state assumed the duty of [illegible] intervention [illegible] still bears the [illegible] of its origin.

Again on page 11 they say:

> Almost all the inmates of our penitentiaries must before they die be released [illegible] will be [illegible] to live the ordinary life of a free man. [illegible] in [illegible] his term a [illegible] if the habit of industry, if it existed, has been suspended and to the extent that his morals have been [illegible]. It is also true of course, that [illegible] purpose appear to be of ordinary [illegible] of a [illegible]. That there should be [illegible] is inevitable, but it is [illegible] trouble for its [illegible] weaken itself, and involve itself in large and unnecessary expenditure.

That is my attitude. I do not think we should expect that there would not be suffering on the part of the convict; there must be, but there is suffering that will be beneficial and suffering that will be a continual humiliation and irritation, which would not help the convict to come out of the penitentiary wanting to be a better citizen, but which would rather help him to come out with the feeling that he wanted to avenge himself on society.

A very interesting study of youthful offenders or research has been made in Canada, the closest thing we have had to a scientific study of the question. The report is published by the Canadian Council on Child Welfare but it was written by Frank Sharpe, Esq. I do not want to take time to give the names of the very eminent people who served on this research committee but they worked in conjunction with Brigadier General Hughes. They chose fifty-six boys who had been sentenced to penitentiaries prior to the end of the twenty-second year of their life. This is a very interesting pamphlet and in their conclusion they say:

> Our old methods were founded on vengeance, and it is only so far as we frankly acknowledge that this is still their foundation that they have the slightest claim to our respect. If it be vengeance we are after then let us go ahead as we are. It can then matter little whether we injure society or not, for vengeance must always be blind to other interests. But then if we are to continue with these methods let us give over our hypocrisy; let us stop talking about the reform of the prisoner and the protection of sosiety.

The names of those who served on the committee are outstanding; they cover a wide range, including psychiatrists, trained social workers, a professor of psychology and so on.

In my opinion crime is a disease of society, and it is not fair to wreak the whole results on the head of the criminal himself. Many and in fact most, I think, of our criminals are either badly born or badly reared or both, and they have had very little chance to

[illegible]

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[illegible]

It is [illegible] on the part of the criminal himself. [illegible] and in that sense, I think, [illegible]

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make good. I think heredity and environment determine what we are, and we have been luckier than they. I remember that when I visited Kingston penitentiary I was invited to address the women prisoners I may have told you before that this was the hardest thing I have ever had to do in my life, but as I faced those women I did not feel myself different from them,I simply felt that I had been in much more fortunate circumstances. I feel too, that economic conditions play a great part in determining whether we will have a large or a small crime problem. This royal commission of 1914 used a remarkable sentence in its report: it said:

> The fact is that the more closely the treatment of the prisoner approximates the treatment of the free men, the less likelihood is there of individual or organized outbreaks of violence.

I think that is true; I think if from 1914 on the Penitentiaries Act, the regulations and the administration had been woven around that central idea we would not have had the penitentiary riots which we did have last year.

Now I am going to take a short time to point out some of the things that obviously must be done, things that we all know and as to which there can be very little argument. One is that when a prisoner is entering the institution there should be a very careful examination made not only in regard to his physical and mental health but also to determine his interests and training, if any. Then an effort should be made using sound educational principles and starting from where the prisoner is to lead him out into a better place. I do not think that can be done by unskilled people. It does not make any difference what splendid intentions the warden might have; unless he or someone acting with him is a trained

make good. I think heredity and environment determine what we are and we have been luckier than they. I remember that when I visited Kingston penitentiary I was invited to address the women prisoners. I may have told you before that this was the hardest thing I have ever had to do in my life, but as I faced those women I did not feel myself different from them. I simply felt that I had been in much more fortunate circumstances. I feel too, that economic conditions play a great part in determining whether we will have a large or a small criminal population. Mill [illegible] made a remarkable contribution in his report: it said:

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psychiatrist, a skilled doctor knowing something about criminology and sociology, there is very little the warden can do to save the prisoner from himself.

Another point is one which I have argued in the house already, it was accepted by the house, but was never acted upon. It is this; Once the prisoner is received and classified by someone who understands the why of human behaviour, then he should have work, not only monotonous and uninteresting work, but work that he likes to do and if he does not like to do any work every effort must be made to induce him to like some sort of work. Some years ago I argued in this house that prisoners should be paid for their work, that the cost of their maintenance should be taken out of their pay and the balance either allowed to accumulate for the prisoner on his release or to to maintain his family during his term in the penitentiary. That position has been taken by the Canadian Bar Association; I have in my hand the report of the committee on the administration of criminal justice, which report was adopted by the association. The same position was upheld by Brigadier General Hughes in report after report, which I placed on Hansard previously. Year after year, starting in 1919 and continuing until he retired General Hughes took that position. The same attitude was taken by Alfred E. Smith when he was governor of the state of New York and by the superintendent of the United States federal institutions that correspond to our penitentiaries. There is no doubt at all that the man who is in a prison and is no longer in any way responsible for his family is apt, if he is a good type, to feel relieved. In either case it is very much better for him if the responsibility for his family remains his own, and if he knows that by his own work he can discharge it. I recall how

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often in this House of Commons it was said that organized labour was against such procedure. That is not so, as is shown by a long statement written by Tom Moore, president of the Trades and Labour Congress of Canada and addressed to Brigadier General Hughes. I am not quoting from it, because I have done so on a previous occasion, and any hon.members who wish may obtain it and read it for themselves. On the occasion I debated this subject in the house I had letters from mayors and heads of municipalities who said they hoped very much that not only would the house adopt the resolution, but that it would implement it, because they were always asking to have prisoners released not because those prisoners had not committed a crime but because the municipalities did not want to be saddled with the responsibility of caring for a prisoner's family. I have a letter in my possession, one which I prize very much, which was smuggled out to me from the penitentiary at Kingston immediately following the last debate on this subject in the House of Commons. One paragraph of the letter is as follows:

It is peculiar to note that in such institutions as the Ontario reformatories at Guelph and Burwash a wage is paid to the men although the revenue produced by these institutions is negligible while the penitentiaries, which do produce considerable revenue and could be made to produce a great deal more, pay no wages at all but turn a man loose with only $10. dollars with which to face the world in his uphill fight for rehabilitation. What is this to a man who has no place to go, and not as much as an extra collar or handkerchief to his name? He must obtain employment not through outside assistance but by his own unaided efforts, and the very clothing he wears which stamps him indelibly as an ex-convict is an impediment to his success. How much greater his chances would be if he had a small sum of money as a result of his own labour with which to provide himself with suitable clothing and thus restore his self confidence without which failure is almost inevitable.

In the reports of both the commissions to which I am constantly referring, namely the royal commission of 1914 and the Doherty committee of 1920, work with pay was recommended, and the Doherty

committee went so far as to say that if actions were not taken there were certain circumstances, taking into account the time of year, under which a prisoner should be given $25. instead of $10. on release. Any hon. members who have read Shackling the Transgressor by Doctor Withrow, will notice that he as well has dealt with this matter. That is all I am going to say about work with pay. I feel the subject does not need to be argued before an intelligent body such as the House of Commons of Canada.

Then, may I say a few words concerning the health of convicts. I have talked to a great many men who have served sentences in the various penitentiaries. Particularly those who come from Kingston say, and are saying up until the present time, that men who are clean and those who are unclean have their clothes washed at the same time and place, and that the men who are in good health are always terrified lest they should catch some loathsome disease from those who are not. They say that in the barber shops there is no real effort made to sterilize the instruments used and so to save the healthy from the unhealthy. It is true also , that tubercular patients are allowed to mingle with their fellow convicts. I am expecting this statement to be denied but may I say that it need not be because I happen to know very well a man who is sentenced to a five-year term in Kingston penitentiary, a man who is a one hundred per cent pensioner, is very ill from tuberculosis had hemorrhages as long as three or four years ago and for several months after that time was in a military hospital. He is a man with a fine social outlook and very much better than a great many people I know who are not in the penitentiary. I know him well.

Mr. Jacobs: Will the hon.member give us the names of those she knows who are not in?

committee went so far as to say that if actions were not taken there were certain circumstances, taking into account the time of year, under which a prisoner should be given $25, instead of $10, on release. Any hon. members who have read Shackling the Treasure by Lador Matthew, will notice that he as well has dealt with this matter. That is all I am going to say about work with pay. I feel the subject does not need to be argued before an intelligent body such as the House of Commons of Canada.

Then, may I say a few words concerning the health of convicts. I have listened to a great many men who have served sentences in the various penitentiaries. Probably I have met more than some hon. members may, and are dealing up until the present time, that men who are clean and those who are unclean have their clothes washed at the same time and in the same place, and that the men who are in good health are always terrified lest they should catch some loathsome disease from those who are not. They say that in the barber shops there is no real effort made to sterilize the implements used and so to have the healthy from the unhealthy. It is true also, that tubercular patients are allowed to mingle with their fellow convicts. I am suggesting this statement to be denied but may I say that it

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Mr. Jacobs: Will the hon. member give us the names of those who are not in?

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Miss Macphail: It would take too long; I want to finish in forty minutes. Anyone who is familiar with the constrution of penitentiaries, or has visited one of these buildings knows how bad a place it is for those suffering from tubercular trouble, because it is very difficult for them to get direct sunlight and almost impossible to get fresh sir-probably I should say more or less fresh air. As the cells are constructed the windows are at such a distance from the floor that fresh air and light are of very little use to the sufferers and this was the condition in the case I have mentioned.

Probably the matter I am about to discuss should not come under the heading of health, but I shall discuss it from that viewpoint. I remember very well when the non.member for Quebec East (Mr. Lapointe was Minister of Justice I asked him a question regarding shackling to the bars. On that occasion he told me that at that time when a prisoner was shackled to the bars his hands were never placed higher than his waist. I feel sure Mr. Lappinte believed in the accuracy of his statement, just as I would believe that the present Minister of Justice was sincere if his answer were the same. It just happens however that that is not true. Shackling to the bars means shackling the prisoner to bars with his hands anywhere from a point waist high to stretching them as far above his head as they can be stretched. More often they are high above his head than on the level of his waist.

To prove that point may I quote from the report of the Doherty committee. I realize I do not need to do it, but probably some hon. members may think I should. At page 47 I find:

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Again the committee was assured by one warden that the punishment of shackling to the cell gate was never executed with the hands higher than the waist, and was indeed informed that it was so limited by regulation, but instances were found of convicts who had undergone the punishment with their hands fastened as far above their heads as possible.

That was told me by convict after convict who came out. I would have believed it anyway but I must believe it when I read it here, read it again in the report of the royal com ission and in Doctor Withrow's book. So there is no use saying that it has not been so up until now; whether or not that condition exists now we may possibly learn later.

I am now going to take time to deal with paddling other than to say that I think the right that the warden has enjoyed and this seems a curious word to use when we think of paddling, has been abused, and that the wardens of our Canadian penitentiaries paddled prisoners for very slight offences. In fact, paddling has been given for acts which were hardly offences at all. Then, anybody who has read this book will remember about the poor fellow who had the withered arm. The prison authorities wanted to take his arm off, but he did not want them to. He said it was his arm and that he did not want it off. Because of that he was paddled. After all paddling has been given for offences much less than that.

At this time there is supposed to be no dungeon in Kingston - it disappeared very suddenly. There was one for a long time, and then suddenly we find there was not one. The superintendent of penitentiaries made the statement that there was no longer a dungeon. That statement was credited by Mr. Nickle, Junior of Kin ston, who went with the superintendent into the dungeon. He found that when the door was closed it was a dungeon, but not when the door was open. Since the doors open so that they are right along the wall

That was told me by a pilot after somewhat who came out. I would have believed it anyway but I must believe it when I read it here, read it again in the report of the royal commission and in Lord Wrthmow's book. So there is no use saying that it has not been so up until now; whether or not that condition exists now we may possibly learn later.

I am not going to take time to deal with pardoning other than to say that I think the right that the president has employed and this seems a curious word to use when we think of pardoning, has been abused, and that the members of our Canadian penitentiaries pardon prisoners for very slight offences. In fact, pardoning has been given for acts which were hardly offences at all. Then, anybody who has read this book will remember about the poor fellow who had the withered arm. The prison authorities wanted to take his arm off, but he did not want them to. He said it was his arm and that he did not want it off. Because of that he was pardoned. After all pardoning has been given for offences much less than that.

At this time there is supposed to be no campaign in Kingston - it [illegible] very suddenly. There was one for a long time, and then suddenly we find there was just one. The superintendent of penitentiaries made the statement that there was no longer a danger. That statement was repeated by Mr. Hindle, Leader of Kingston, who [illegible] the door was closed it was a danger, but not when the door was open. [illegible]

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and might not be noticed by a person who was not familiar with the construction it might be that some of the ministers who went there and said there was no dungeon could have been mistaken. They should have gone in, closed the door and tried stating there for twenty-four or forty-eight hours' time. Probably at the end of that eimt they would have changed their minds.

Then, may I make some comment concerning bread and water, or starvation as a means of punishment. The Doherty committee made a report on this connection and from page 47 I read the following:

For example, the regulations limit the diet of bread and water to "not exceeding twenty-one consecutive meals", but the committee found one instance in which a convict had been kept upon that diet for several weeks, only one full meal a week being given him, the rule thus being observed in the letter but flagrantly broken in the spirit.

I talked to one of the lawyers who defended the convicts after the recent riots, and he told me that a man who in the papers was reported to have been in solitary confinement for twenty-three years was an object of such terrific pity that the lawyer, after seeing him and trying to hear him-because his voice had almost gone and he could hardly be heard- almost despised ankind and thought it could not be possible for a human being to be reduced to such a state. And that is not a long time ago; it was just last summer. To use the lawyer's own words, this man was "apoor broken thing".

Another thing that helps to break the spirit of the strongest and the best in the penitentiaries, and I do not think it is even used as punishment, is the long long hours of confinement in their own cells, from five o'clock on Saturday through Sunday night with almost no break at all except possibly half an hour for

religious service. Conditions may be slightly better in that respect now, and I shall be glad to learn that they are. Both these reports from which I have quoted say that all the penitentiary authorities agree that the men on Monday morning showed the suffering through which they had passed. I will quote one or two sentences:

The committee has been impressed by the unamimity of penitentiary officers on the subject of depressing effect of long continued confinement of convicts in their separate cells. Many of them have referred to the hardship imposed by the continuous solitude between four and five o'clock in the afternoon and six or seven o'clock the following morning and the superintendent stated that, when this confinement was continued from Saturday over an intervening Sunday and a following public holiday, it was easy on the Tuesday morning to observe the marks of suffering. At some penitentiaries half a day's labour is done on a statutory holiday following a Sunday but this is not universal, and the following general regulation is consequently recommended.

This was the recommendation of the committee in 1921:

On any day, whether a Sunday, public holiday or other day, upon which at least a full half day's labour is not performed by any convict fit for work and not in isolated confinement under these regulations, such convict shall be permitted to be out of his cell during such day for at least three hours, of which at least one and one half hours shall, whether permitting, be passed in the open air in such proper recreation as the convict desires, but under necessary supervision.

I shall not take time to go into the question of hospitals as that may be dealt with by some who speak after me, and it would take some time if I entered upon the subject at all. When one thinks of a hospital one thinks of a room with comfortable beds, and not cells, but until very recently if a convict was ill no one could get to him from the time he was locked in at night. The cells were all locked up until the morning, regardless of how bad he was. There were exceptions but they were so rare that one does not need to stop to enumerate them. More than one prisoner has died locked up in his cell alone with no one able to get near him.

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[illegible] confinement of prisoners in their respective cells. Many of them had returned to the terrible imposed by the continuous solitary [illegible] for the slightest [illegible] and all [illegible] following [illegible] and the [illegible] that, when this confinement was [illegible] from a [illegible] over an [illegible] Sunday and a [illegible] Monday, it was easy on the Tuesday morning to [illegible]. [illegible] half a day's labour is done [illegible] a [illegible] Sunday but this is not universal, and the following general regulation is consequently [illegible].

This was the recommendation of the committee in 1891:

[illegible] a full [illegible] labour as not authorized by any [illegible] for work and not to isolated confinement under these [illegible], [illegible] during each day for at least three hours, or which at least [illegible] open air in some proper recreation on the associated system, [illegible].

I shall not have time to go into the question of hospitals as they may be dealt with by some one else after me, and it would take so time if I entered upon the subject at all. When one thinks of a hospital one thinks of a room with comfortable beds, and not cells but until very recently if a convict was ill no one could get to him from the time he was locked up at night. The cells were all locked up until the morning, regardless of how bad he was. There were exceptions but they were so rare that one does not need to stop to consider them. More the one prisoner has died locked up in his cell alone with no one able to get at him.

Another thing I feel is that in this advanced and enlightened age in which we are living education ought to be stressed in the reformation of those who have sinned against society, but all the time that is allowed for that purpose is at the very outside forty minutes. The men have to eat their dinner, have their class , and get back to work within one hour, and if they are the last man to get their tray and are late getting into their cell, they may have only twenty five minutes but it could not be more than forty minutes at the outside. No doctor and no one who has ever taught school would say that it was much use trying to trach people anything that requires the use of their heads when their stomachs are busy attempting to digest the food they have just eaten. That is really quite an example of the foolishness of the whole penitentiary administration. Not that I am blaming this administration, but the act itself and the regulations. I cannot think of a stupider time to have a class than immediately after dinner when the man have worked hard at manual labour all morning.

Undubtedly public opinion is changing in regard to the treatment of prisoners. While the prisoner must be punished, and must understand and submit to discipline, if he is mentally fit, and if he is not he should not be in the institutions I am discussing, yet people are beginning to see that while all that is true, while society must be protected and the offenders punished, unless they come out with a social consciousness, society is really punishing itself rather than punishing the criminal. There is a changed viewpoint which up until now has not expressed itself in legislation regulations or administration.

age in which we are living education ought to be stressed in the reformation of those who have abused against society, but all the time that is allowed for that purpose is at the very outside forty minutes. The men have no set their dinner, have their clothes , and get back to work within one hour, and if they are the last men to get their tray and are late getting into their cell, they may have only twenty five minutes but it could not be more than forty minutes at the outside. No doctor and no one who has ever taught school would say that it was much use trying to teach people anything that requires the use of their heads when their stomachs are busy attempting to digest the food they have just eaten. That is really quite an example of the foolishness of the whole penal-military administration. Not that I am blaming this administration, but the act itself and the regulations. I cannot think of a single time to have a close that immediately after dinner when one has worked hard at manual labour all morning.

Undoubtedly public opinion is changing in regard to the treatment of prisoners. [illegible] understand and submit to discipline, if he is mentally fit, and if he is not he should not be in the institutions I am discussing. Yet people are beginning to see that while all that is true, while society must be protected and the criminals punished, unless they [illegible] with a social consciousness, society is really punishing itself rather than punishing the criminal. There is a growing sympathy with us until now has not expressed itself in legislation [illegible].

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I am not going to deal with the question of parole, which is a big subject, or with the reinstatement of the prisoner in civil life. At no time does the prisoner need help more than when he is being released from the institution and if society were attempting to protect itself, it is then that we should give all the help we can, not for the sake of the prisoner, if you like, though personally I do not desire to say that, but at least for the sake of society itself which must absorb that prisoner. I think we could go a long way. Many of you have no doubt read of the interesting experiments that are being carried on at Auburn and Sing Sing in the direction of self-government within the institution, but I am not going to discuss that now.

I want to say a word or two about the necessity for very highly trained officials- superintendents, wardens and guards. They should know the cause of human behaviour particularly the superintendent and the wardens and the guards could be trained by them. I feel that in the House of Commons we have too long put off our duty in this matter. Those who administer the act are not so much to blame as those who have the duty of rewriting the act and changing the regulations, and have failed to do it. I feel that the whole theory must no longer be based on vengeance but must be based on reform of the criminal.

I will finish by quoting from the conclusions of this excellent report that was made by the committee of these three learned gentlemen appointed under Mr. Doherty's administration in 1921:

> Exactly as some schoolmasters of a century ago would have said that our modern scholastic system was impossible because too "soft" exactly as some officers of the insane asylums of fifty years ago would have said that the modern treatment of the insane was unthinkably dangerous, so some penitentiary officers of today will say of the plan proposed in this report. This argument in itself answered by the schools and asylums may be supported by an allegation that, under the proposed system of administration, imprisonment in a penitentiary will lack deterrent effect.

I am not going to deal with the question of a role, which is a big subject, or also the requirements of the prisoner in civil life. At no time does the prisoner need help more than when he is being released from the institution, but it is hardly been [illegible] to provide itself, it is then that we should give all the help we can, not for the sake of the prisoner, if you like, though personally I do not hesitate to say that, but at least for the sake of security itself which must absorb that p isoner. I think we could go a long way. Many of you have no doubt read of the inter-esting experiments that have been carried on at Auburn and Sing Sing in the [illegible] [illegible] [illegible] but I am not going to discuss that now.

I want to say a word or two about the necessity for very highly trained officials- sane philanthropists, reformers and people. They should have the sense of human nature particularly the superin-tendent and the warders and the guards could be trained by them. I feel that in the House of Commons we have too long put off our duty in this matter. Those who administer the act are not so much to blame as those who have the duty of revising the act and chang-ing the constitutions, and have failed to do it. I feel that the whole theory must no longer be based on vengeance but must be based on [illegible] [illegible].

I will finish by quoting from the conclusion of this excellent report that was made by the committee of those three learned gent-lemen appointed under Mr. Roberts's administration in 1921:

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And their last words are:

Speaking for themselves the members of the committee would not before undertaking this investigation have believed that the penitentiary system could have been as needlessly cruel as it in fact is, and the absence of those features of the system which involve unnecessary mental or physical suffering would not to any of them make prison any the less abhorrent. If that view represents as it is thought to do, the views of the average educated person, certainly the imagination of the uneducated is not so acute as to suggest a wide difference between forbidding prison walls concealing an unnecessarily cruel or only an inevitably painful system of punishment. Even if the contrary were true, the benefit to society of a system really directed to the reform of criminals would far outweigh any possible disadvantages of the change; the modified unwillingness to undergo imprisonment of an occasional weak-minded person who had no objection to the restriction of his liberty would by no means be sufficient to counterbalance the benefits accruing to society from a proper system of administering the whole penitentiary population.

I ask the house to support the resolution.

Mr. Neill: The hon. member quoted a letter to the effect that prisoners were given a suit of clothes which stamped them as ex-convicts. Does the hon. member know that of her own knowledge?

Miss Macphail: Several people who have seen them have told me that that is the case. I am speaking of knowledge which is three years old and I do not know what has happened in the meantime.

Mr. A.E.Ross (Kingston): Mr. Speaker there was a discussion last year of this matter and as there is a penitentiary located in my constituency and another which is close to the border, to me the subject is an interesting one and has been a matter of personal study for the last twenty-five years. After reading all the literature I could get upon the question I am satisfied that no person can offer a hundred per cent solution for the problem. I am not a sentimentalist or a sob sister, nor am I opposed to punishment. According to my own view the punishment may be changed a little but that does not make it any better.

For many years I have taken an interest in this question and I cannot understand why criticism should be levelled against those who

have expressed opinions and made statements in regard to it. Prison reform is a matter of long standing in Canada as well as in other countries and will continue to be of vital importance, just as long as we have crime and institutions for the punishment thereof. I should like to read a letter dated at Kingston, June 24, 1848, which will give the house some idea as to the length of time such matters have been of vital importance in Canada. The letter reads:

Provincial Penitentiary,
Commission room,
Kingston, 24th June,1848.

Sir;

I have the honour, by desire of the commissioners appointed by His Excellency the Governor General to inquire into the management of the penitentiary, to intimate to you that the commissioners commence their investigation in the courthouse here on Monday next.

The commissioners are desirous to avail themselves of your information on the subject of their inquiries, and will be happy to receive you at two o'clock on Monday, should that hour be convenient for you.

I have the honour to be,
Sir,
Your most obedient servant,
Geo.Brown,
Secretary.

This letter was addressed to Dr.James Sampson, one of the first physicians to attand the penitentiary. As long back as 1848 the question of investigation was before the public.

I think the Prime Minister (Mr. Bennett) in a statement he made to the press sometime ago gave a good definition of the function of a penitentiary. He declared that penitentiaries were, first, for the punishment of those who disobeyed the law; second for the deterrence of others who might break the law in the same way, and third for reformation. I think the Prime Minister has summed up in his own unique way the function of penitentiaries. We must consider whether the penitentiaries are to-day performing the

functions which the Prime Minister stated they should perform. I intend to outline several points in this connection. I intend first to give the reasons why they have failed; second, to deal with the reports which have been made, and third to deal with the disposition made of the young.

In my opinion this country must adopt for the young a different punishment from that which has been used in the past. A penitentiary is not a place in which to put young people. The punishment meted out in the past to the young has provided a gradual graded ascent to the highest type of criminality. A boy is sent to a reformatory, he becomes lonesome and runs away. What punishment is given? In the province of Ontario it is two years in the Kingston penientiary. Boys from fifteen to eighteen years of age have done six years in Kingston penitentiary for a six months' commitment to a reformatory. I ask the house and the public generally: Is that a proper way to treat these young people? I am not speaking in a partisan way, nor am I criticizing our ministers of justice. I know both the present Minister of Justice(Mr. Guthrie) and the former Minister of Justice (Mr. Lapointe) and I am confident that if the minister had the proper information before him he would not for one moment approve of such treatment. When these boys have completed their two-year term in the penitentiary they are sent back to the reformatory to complete their six-months' sentence,and very often this return is by way of a gaol. This is not a matter well known to the public. The former superintendent of Kingston penitentiary told me that he had handled as many as ninety boys who had been sent to him from the reformatories. The penitentiary administration may well say that this is not their fault, that they have to punish them according to the law; but if that is so

the sooner we appoint some body to review the whole system the better for the young people of this country.

I should like to make certain recommendations in reg rd to this matter. Let us consider in what way the penitentiary administration has failed. I think the first cause of failure is its desire for secrecy. Guards have been placed across the street from my home to watch and see what officials or guards of the penitentiary came to see me. Reports were made and I have heard indirectly that those who came to see me were dismissed. There is also an order in the penitentiary that a guard having a complaint must not approach a member of parliament, upon paid of dismissal.

Mr. Mackenzie (Vancouver): May I ask who issued that order?

Mr. Ross: I do not know, but I do know that it was issued at two different times. The officials of the penitentiary administration in times past have used cabinet ministers, political organizations, returned men's organizstions and women's organizations to secure their positions, and yet they post an order forbidding the under man from using the same path which they have trod.

I think the second reason for their falling down is the incorrect reports which are issued. I am sure that the present and past ministers would have taken action had they realized just what was taking place in this regard. I am not critidizing one administration more than the other. Let me refer to some of these reports. In the present report, on page 12, speaking of the institution of games of ball, it says that occasional shouts irritated the people of Kingston and Portsmouth. Just imagine how the people in that vicinity will think of that report; to use the expression "occasional shouts" is a criticism in regard to magnifying complaints. The complaint was not of an occasional shout. No one will object to the prisoners being allowed to play ball and we can commend

them for doing so; but the fact was that from half past ten or a quarter to eleven on Sunday morning until noon there was not an occasional shout but a terrific volume of blasphemous, vile language that the people going to and sitting in church resented. That was perhaps occasioned by the convicts for the first time being allowed to take part in a game, and the nuisance may wear itself out. But where an official submits that kind of report to his minister and to the public as if what was complained of was merely an occasional shout, it is an absurdity. I want to refer to other parts of this report which are of the same nature, but I have not the time now; perhaps later on I shall have an opportunity to do so.

These inaccuracies in these reports coming from such a source to the public make it difficult to know whether in every report the exact situation is disclosed. In 1929 the hon.member for Southeast Grey (Miss Macphail) asked the then Minister of Justice (Mr. Lapointe):What is paddling? He replied and I am using his exact words - "Paddling is spanking with a small strap, not a cat-o-nine tails, but a small strap about eighteen inches long and there is nothing cruel about it."

I do not know whether my hon.friend has ever seen paddling; I have not seen it, but I am now showing to the house what a little paddle, a little strap eighteen inches long is like. I have in my hand an official paddle I has been changed a little and maybe it is somewhat lighter. As I said at the beginning, you must punish. I was brought up in an old Scotch school where my parents thrashed, where the school teachers thrashed and we got no sympathy when we went home and said that we had been thrashed but received another thrashing. This produced very good men and women, but I do not believe in barbaric punishment. When you look at that paddle, you see a little bit of barbarism. It puts me in mind of what happened in the trenches at the beginning of the war when

than for doing so; but the fact was that from half past ten on a quarter to eleven on Sunday morning until five there was not an ounce of liquor but a beautiful volume of Shakespeare, which forces that people going to and attend in church regularly. That was generally accepted by the convicts for the first time before allowed to take part in a game, a the mistakes may soon transit out. But there no official months that kind of respect to his relative or to the public as it ought was accepted of and merely an one chance about. It is an immorality. I want to refer to other parts of that report which are of the same nature, but I have not the time now because I hope I shall have an opportunity to do so.

These statements by those responsible people that such a course of the public make it difficult to know whether in every report the exact situation is disclosed. In 1879 the Commission for Government Gaol (Mr. Macdonell) asked the Minister of Justice (Mr. Laporte): "Does it prohibit? He replied and I am quoting it, exact words - "Prohibiting is speaking with a small sense, not a cut-and-dry rule, but a small sense about eighteen inches long and there is nothing equal about it."

I do not know whether I have had any more nothing I have had seen it, but I do now already to the house that a little people, a little extra addition because long is like. I have in my hand an official paper I was been changed a little and make it is somewhat lighter. As I said at the beginning, you must remember. I was brought up in an old Presbyterian school based on PRIMAL Government. Where the school teachers thought and we got to everybody when we went home and said that we had been thrashed and received another thrashing. This produced very good men and women, but I do not believe in formal punishment. Some men lose at that period, you see a little bad or forgetting. It may be that that be most interested in the treatment at the hands of the warden

we started those trench raids. Our engineers believing we were back to the old days got a long club and on it they had spikes, an old barbaric instrument. That was proper in its day, but the soldier of today would not use it and a hundred of those clubs that were made were not and would not be used. Let me tell the house that one warden on his appointment to Kingston penitentiary when he saw this strap, refused to allow it to be used. I do not think any person could say that the paddle I am exhibiting was a little strap eighteen inches long, small and nothing cruel about it, but that is the kind of thing we are told. Hon.members can see the holes in the paddle which have one object and there are possibilities: the holes allow for seption of the skin and if a guard wishes-and I am giving this information from a direct source, from a man who has used it, I do not care how many hundred guards will deny it-with a sudden jerk he could tear the skin off a convict. Guards who have used this little strap have told me that two blows of it renders the flesh just like a piece of jelly.

Let me pass on to another report. In 1931, there was published in the press a great story about a plot being discovered in the penitentiary and of men being found there with daggers, stilettos and all sorts of things in preparation for a general break-out. I am not going to deal with the punishment of the fellow who is guilty of such a thing, but I want to exhibit to the house some of what in the report are called daggers, stilettos, swords with which instruments they were going to murder guards and make a general break-out. I hold in my hand two of the stilettos. What are they? They are ordinary files made into bearing scrapers for use in cleaning motors and similar jobs. What I want to point out is this: that that false report of conditions resulted in one of the very best returned men I know losing his position. He protested against it and asked for an investigation, but he could not

get one and he lost his job. He was a man who, after doing three years service overseas, had returned to Canada and prepared himself as an instructor in motor mechanics work. These instruments were on hand in the penitentiary before he ever went there, yet the finding of them was reported as the discovery of a great plot and this man lost his job. To-day that returned man, his wife and four children are suffering want as a result of lack of a proper channel of investigation by which he could be heard.

Last year the question of treatment of these cases came up and I protested against the manner in which decisions were made. As I say, every one of these guards who is dismissed comes to me and I do not want to know the reasons for the dismissal so long as they know and have had a proper hearing. Last year it was decided that the crown had the right to dismiss a guard even if at five o'clock at night he got his dismissal without any hearing. I thought that was very unfair and un-British,yet that iscontinued in spite of a ruling made by the Prime Minister whose language as expressed in the house with regard to this treatment, I am going to quote. He said:

It is the old question that no man can be dismissed from his appointment by the crown without having the opportunity to be heard, as was held by the Privy Council in the Phipps case. Sometimes a narrow meaning is placed upon the expression "removed for cause". It is believed that this would cover charges of misbehaviour, which of course he would have an opportunity to meet, and he may be removed for incapacity -

Of course that is almost fundemental.

-If a man has had a mental breakdown and is no longer able to carry on, it follows that he should be removed from his position. The other provisions, inability or failure to perform his duties properly, come under incapacity, they cover the case if he becomes unfit for the position as it may have expanded, or perhaps was not fit for it when appointed. It is perfectly clear, as I say, that the person concerned must have an opportunity to be heard in his own defence in any case.

That is a statement by our Prime Minister and he has been pretty fair in regard to breaking up this matter of secrecy. We must be grateful to the Prime Minister for saying that penitentiaries should be and could be visited by others than those having the statutory right. He opened it but at the time he did that there was in existence an order that nobddy but those having the statutory right could be admitted to the penitentiary.

Now I come to another report; and in this connection perhaps I did feel a little aggreived at my friend, the Minister of Justice, because I felt hewas not getting proper information. At the time I brought up the matter of what was then called preferred penitentiaryI stated that a distinction was being made between classes and that in our opinion the institution was not properly administered. There was favouritism. I would not like to mention all the favourtism that was going on. Afterwards the minister was good enoughto admit that he had been misinformed. I want to tell you what was going on at that time. There was one class, brokers, who were admitted there holus-bolus. Their wives could come to that institution just when they liked. They were met at the station by the warden's car and were driven from the station to the warden's residence. Having deposited the wives of these favourites there the car then went down to the penitentiary and brought the broker inmate up from the penitentiary. Let me tell you what happened one day. One day the wife of one of those brokers arrived at the station. On the same train was the wife of another convict who was just getting her one day a month visit, she had a little child by one hand and another in arms. She walked that five or six miles there and back, while the wife of the other convict was borne in the warden's car. Now that raised a great deal of criticism and feeling that our institutions were showing favourtism to classes. Perhaps that deals sufficiently with these "incorrect" reports as far as they go.

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I want to say in the second place that many things have been done this year. I want to give credit where credit is due, but these things would not have been done had certain events not happened. Perhaps I am going a little too far, perhaps the minister would have done things; I think he would if he knew. Reforms have been carried our, but many of these reforms during my twenty-five years' experience have been the result of outside interference and outside pressure. Let me refer to some of them.

A great deal has been said about the hole. I admit right now that I have not read Maclean's magazine and I have not read the Globe. I spent five or ten minutes at the hearing of these trials; I think they were a great mistake. As far as I was concerned there was only one case I was interested in, that of the boy Bailley I referred to. I want to give you the history of that hole. Before the war there was a commission appointed andit made an investigation. They found what was known as the dungeon or the hole. Some people think it is a deep dark place down under a stone castle. Forget that. But any place where light is restriced and ventilation precluded to me is a hole, one member of the committee was a doctor. He visited what was then known as the hole, which was under what was known as the insane ward of the prison, and it was absolutely dark. Men were running in that plave on their hands and knees-this doctor is yet living and can confirm or refute me if he likes but these are his own words to me-men were running on their hands and knees in that dungeon and clubs and sticks had to be used to keep them from biting as the investigators went through. As a result of that investigation that dungeon was done away with. Then a second dungeon was put in operation; it has been visited by some in its present condition. This dungeon as it existed just a very short time ago, later than the trials, is a cell somewhat over five feet underground, with restricted light, admittance to which was by a wooden door. That door

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contained three or four one inch holes which admitted the only light. That place was dark, damp, ill ventilated-the only ventilation yet I think is the pipe up to the keeper's quarters. But thanks to outside influence, investigation, interference, the wooden doors have been removed. Now why lead the people to think that was the condition that prevailed there all the time? Only recently was the change made, only a short time before my hon.friend made his visit. I cannot see any reason for refusing to consider these things. Let us say we will improve them. These things are wrong, they arenot in accord with the civilization of the present time, they might have been sanctioned in times past but civilization now sets a higher standard and does not tolerate such things. That hole was there with that wooden door, and guards had to examine it frequently because the hinges got rusty from the damp and it often needed repair. It is better now, our administration of the present day has done that much. But in this report they refer to many things that were done about twenty years ago, and seem to be taking credit for them. So much then for the dungeon, and the good done by outside interference, outside investigation. Now let us pass to another feature.

In 1919 an investigation was held and there was much criticism in regard to hospital conditions. Nobody has taken any notice of the report. It has been left dormant. I want to show you what has taken place in connection with hospital conditions in the penitentiary, again through outside interference. This is a letter written by a very celebrated surgeon of Kingston:

228 Brock St.
Kingston, Ont.
December 1,1919.

To: The Acting Warden,
Kingston Penitentiary,
Portsmouth,Ont.

Having been called to the Kingston penitentiary on Thursday last, Nov.27th, in connection with an operation to be performed on a convict

Interior sanitary conditions.

remained there or then one had to be some other medium one only alone, that gives one pain, even, all conditions, only contributing yet, which is the pipe of an the longest conditions. But there is another matter, structure, and, transformation, has never been in the removed. Now why land the pen is to think that was the condition that prevailed there all the time? Only recently was the change made, only a short time before my visit. I cannot see any reason for returning to consider these things. Let us say we will improve them. These things are wrong, they cannot in accord with the civilization of the present time. They, of, have been sanctioned in times past but civilization now sets a higher standard and does not tolerate such things. That hole was there with that wooden door, and guards had to examine it frequently because the bugs got ready from the damp and it often needed repair. It is better now, our administration of the prisons may not have that crude. But in this report I am in some things there were some about twenty years ago, and seem to be taking credit for them. So much than for the surgeon, and the good done by outside interference, outside investigation. Now let us pass to another factor.

In 1910 an investigation was held and there was much criticism in regard to hospital conditions. Nobody has taken any notice of the report. It has been left dormant. I want to show you what has taken place in connection with hospital conditions in the penitentiary, again through outside interference. This is a letter written by a very celebrated surgeon of Chicago:

Chicago, Ill.
January 7, 1914.

To the Acting Warden,
Kingston Penitentiary,
Portsmouth, Ont.

Dear Sir:

Dr. Ryerson has called on the Attorney General of Ontario on December 23rd, 1913, in connection with an operation I performed on a prisoner

at that institution, I made most forcible objections to the so-called operating room at that institution and with your permission I beg leave to place in writing the substance of these objections.

In thus voluntarily thrusting myself into the internal economy of your institution I am satisfied that you personally have not the slightest responsibility in the matter. I am also firmly convinced that if this state of affairs be brought to the attention of Gen. Hughes it will receive consideration and action thereupon, because I am of the opinion that he will be only too pleased to have his attention called to anything in his department needing improvement.

Possibly someone not conversant with the facts might think there was some political or other object influencing any arrangement of the medical or surgical administration of the institution. Permit me to say that I am perfectly indifferent to either shade of politics, excepting as a citizen of Canada; that I have been professor of surgery in Queen's university for many years and consultant and surgeon Queen's military hospital; that I am not in general practice -- confining myself to surgical consultations and operations. I mention the above facts in the hope that those positions at the very least will lend weight to my unsolicited report.

I might further say that I have been doing surgical work for over thirty years, and that in all my experience I never saw such a so-called operating room as I did in the Kingston penitentiary on my visit on Thursday last. I could not realize that it was an operating room, as the only furniture it possessed was an antique metal table of four legs and a flat top, apparently supposed to be an operating table, but if so of the type that had been discarded from our dissecting rooms over a quarter of a century ago. This was the only furniture in ~~xxxx~~ ~~xxxx~~ evidence, surgical or otherwise, in the room. Sterilization, a great necessity in every operation, major or minor, seemed to be unknown or unappreciated, as the only sterilizing apparatus I could discover was a small tin dish and the only method of sterilization with this was apparently a kitchen range. Asepsis was apparently unknown, there being a total absence of sterile dressings, in fact an absence of the knowledge of the need of such dressings. Of surgical instruments I could discover none, excepting a small hand case with a few minor instruments in it. Fortunately for the above operation the medical officer in charge had brought a complete sterilized outfit, instruments, gowns, towels, etc., from a nearby hospital. The whole outfit would have been a fit subject for the pen of Dickens, who wrote of the deplorable state of the nursing and medical services in his day.

Without being unduly harsh, in my opinion the operating room of the Kingston penitentiary and its contents are a disgrace to the administration of justice in Canada, as well as

to the twentieth century of aseptic surgery. It would also seem as though if a convict received a serious injury and was admitted to the operating room he could lay aside all hope of surgical asepsis.

I understand that in the case of any convicts having required operations in the last few years the same had been transferred to the General hospital or the Hotel Dieu, but as this is contrary to law and it is altogether likely that out of six or seven hundred convicts more or less surgical operations are required, I submit the above facts in the hope that at least, in this modern day of surgery, some attempt at the best surgical fittings should be afforded these unfortunates, and I am satisfied that the cost of the provision of such necessary surgical fittings is only a matter of minor importance, especially as it is quite possible that much of the outfit required may be secured from the militia department, which, no doubt, has a surplus either left over or returned from overseas.

That report was made in 1919, but no action followed. On March 22, 1920, a second surgeon was called, and I want to say that the letter I am about to read was sent first to the warden; no action. Then it was sent to the superintendent; no action. Finally it was sent to the minister, but still no action. I should like to read it, to show the view taken by the second surgeon.

Although I am but temporarily employed as surgeon to the Kingston penitentiary, and although I have acted in that capacity for but a short space of time (yet long enough to know whereof I speak), I feel it incumbent upon me, feel it my bounden duty, first as a doctor and secondly as a citizen to bring to the attention of those responsible the grave defects in the system (if system it may be called), of caring for the sick in this institution.

I am quite aware that a man, when he becomes a prisoner, forfeits his rights of citizenship, but I maintain that he does not forfeit the right to humane treatment when, in custody, he becomes ill. I am going to prove that under the now existing conditions it is impossible for the sick to receive the minimum of care which present day medical standards demand.

It is not my intention to deal in this report with detail, but merely to point out a few of the outstanding features which must be remedied at once, not only for the sake of those who are obligedto be treated under such circumstances, but also for our own sakes, if we are to lay any claim to justice and humanity, in the treatment of our fellowmen.

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[illegible] medical [illegible]

It is not my intention [illegible] but merely to point out a few of [illegible] which must be remedied at once, not only for the sake of those who are [illegible] to be treated under such circumstances, but also for our own sakes, if we are to lay any claim to justice and humanity, in the treatment of our prisoners.

One of the outstanding defects is lack of proper system, and to this may be laid many of the faults which I will speak of later.

Then he goes on to speak of the hospital staff, whom he describes as inexperienced, inefficient and untrained.

There is no adequate equipment for the treatment of cases, no clinical charts for bedside notes, no means of keeping records or daily notes on cases, no record of treatments or medicines given. In many cases I find treatmet is neglected. There is great delay in filling prescriptions and getting patients started on prescribed treatment. Example -- a post operative case for whom I ordered constant applications of heat and other treatment, received no such care from 9 a.m. on the day of the operation, until 4 p.m. the following day, other than a little nourishment at breakfast and dinner time, on the day following the operation.

In the cases of two tuberculosis patients, with severe coughs, I ordered certain medicines for them, this is the third day since the prescription was ordered and so far it has not been filled, despite my daily inquiries.

I find great difficulty in placing responsibility in carrying out my orders in the intervals between my visits. These orders are taken in an unmethodical, haphazard way, and I find in many instances they are disregarded altogether and in other cases carried out in a manner which best suits those in charge.

The operating room in such in name only. One operating table, and sink (with hot and cold water) are its only equipment. There is no sterilizer, no sterilized goods for operations or dressings, no gowns, gloves - in fact, it is impossible to do even a minor operation under proper conditions with the equipment at hand. A short time ago I had occasion to operate on one of the prisoners and found it necessary to bring everything required from a local hospital.

The hospital attendants have absolutely no idea of technique, and it is impossible with the present facilities to do a dressing aseptically.....

There are a number of men in this institution suffering from syphilis in different stages, and there are also cases of gonorrhea. No attempt has been made at segregation, and therefore there is no protection for the unaffected inmates....

Tuberculosis patients of which there are at least four serious cases at present, in hospital, do not receive anything like the treatment necessary for such condition. I found these men confined in bed in their cells, which are dark and poorly ventilated.

One of the outstanding defects is lack of proper system, and to this may be laid many of the faults which I will speak of later.

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The operating room is such in name only. The operating table, [illegible] is the only equipment. There is no sterilizer, no sterilized goods for operations or dressings, no gowns, gloves - in fact, it is impossible to do even a minor operation under proper conditions with the equipment at hand. [illegible] I had occasion to operate on one of the prisoners [illegible] it necessary to bring everything required from a local hospital.

The hospital attendants have absolutely no idea of [illegible]........

There are a number of men in beds [illegible] suffering from syphilis in different stages, and there are also cases of gonorrhea. No attempt has been made at segregation, and therefore there is no protection for the uninfected inmates....

Tuberculosis patients, of which there are at least four serious cases at present in hospital, do not receive anything like the [illegible] for such condition. I found them [illegible], which are poorly ventilated.

I think that is enough. In spite of complaints from the inside staff, no action was taken. To-day, as a result of outside interference, we have there a splendid sterilization plant, but it required forcible outside influence to get that equipment into the penitentiary. To-day, however, I think we have reached the stage when something further should be done. To-day the cases are treated in cells just as they were treated then. The hospital is a large block with cells running back to back down the centre, and no matter how severe the illness, unless a change has been made in the last few months, the patient is treated in one of these cells. At the time this report was made it was an order that no attendant, medical or otherwise, could gain admission to that cell no matter from what illness the man was suffering, pneumonia, typhoid, or anything else. The only thing that could be done by the man in charge was to put some medicated tablets on a saucer and slide them across the floor to the convict.

These cells are there today and that is the treatment given. I wish I could impress upon my good friend the minister that this is not what our present civilization wishes. I know that we do not all appreciate the difficulties in the administration of a penitentiary; it is one of the most difficult jobs a man could be given, but no matter how inexperienced a man may be when he is made superintendent or warden, within a week or two he seems to know everything about the institution and can upset what has been done in the past, whether it be good or bad. It takes a man some years to get acquainted with the problems which exist in the administration of a penitentiary, and I do not know whether he would thoroughly understand the

question if he remained there a lifetime. But no matter how inexperienced an official may be, his word goes with the officials who administer the department, and I do not think that is sound.

I think the recommendation that these cells should be retained is very wrong. I cannot see where there could be any great difficulty if the cells were taken out and that section of the institution made into a ward. With the cells as they are to-day, on one occasion five men took the clothes off a doctor and the attendants, dressed themselves in the garments of the doctor and officials and almost walked out the gate. They could not do that if there was an open ward. They locked the poor doctor and his attendants in the cell.

MR. GUTHRIE: When was that?

Mr. ROSS: That was before the war. I believe I have shown the difficulty of dealing with this matter when we do not receive correct reports. There is great difficulty even when dealing with the inmates and the guards. So far as the inmate is concerned there is always the possibility of parole and in ninety per cent of the cases he is not going to tell you the exact situation for fear the information he gives will interfere with his parole. With the guard there is always the possibility of his being thrown out, he cannot even speak to a member of parliament.

The point I am making is this, that very often an upheaval, such as the one which took place recently, is required to get some kind of action. I have before me the list of the people who were examined as mental cases following the last riot. The one great fault I have to find is that there is no attempt to separate these people according to their mentality. I am not referring to the

granting it be economic issue & justice. But we believe how inconsequence so grievous one so, his case just why, my evaluation you administer the department, and I do not think that is sound.

I think the recommendation that those cells should be returned is very wrong. I cannot see where those cells could be any great difficulty if the cells were taken over and that section of the institution made into a ward. With the cells as they are to-day, on one occasion five men had the chance of a lifetime and they absconded, themselves in the persons of the doctor and officials and almost walked out the gate. They could not do that if there was an open ward. They jumped the gate before the ambulance in the dark.

MR. GUTHRIE: When was that?

Mr. ROSS: That was before the war. I believe I have shown the difficulty of dealing with this matter when we do not receive correct reports. There is great difficulty even when dealing with the lunatics and the guards. So far as the lunatics is concerned there is always the possibility [illegible] of the person he is not going to tell you the exact situation for fear the information he gives will interfere with his parole. With the guard there is always the possibility of his being thrown out. He cannot even speak to a member of parliament.

[illegible] as the one which took place recently, is required to put some kind of action. I have before me the list of the people who were [illegible] following the last riot. The one great fault I have to find is that there is no attempt to separate those people according to their mentality. I am not referring to the

simple mentality, but to something different. The report shows that during the trial one inmate claimed that he had been twenty-three years in close confinement. Of course, right off the bat I believe that is ridiculous. The history of this case is shown and I do not think anything could better illustrate the failure of the system than the publication of the circumstances concerning this man. The superintendent's report states the following:

He first entered Kingston penitentiary on November 30, 1904, having been convicted of murder, and sentenced to be hanged, which sentence was commuted to life imprisonment. His sanity was questioned in May, 1905. He was kept under observation, and pronounced insane on September 15, 1905, and kept in the insane ward in Kingston penitentiary until he escaped in May 1907. At that time, he was at large for two weeks. On his recapture he was again confined to the insane ward, and constantly under medical observation. On June 25, 1915, he was transferred from Kingston penitentiary to the prison for the criminal insane at Guelph, on the closing of the ward for the insane in Kingston penitentiary. In August 1917 he was transferred to the asylum for insane at Hamilton, Ontario, escaping from that institution on August, 31, 1917, and was at large until rearrested on February 6, 1918, charged with passing counterfeit money.

May I add that this man can saw a steel bar with a paper saw. The report continues:

He was returned to the asylum on February 9, 1918, and from there escaped on June 15, 1919. He was at large until May 12, 1920, when he was rearrested in Boston, Massachusetts, for breaking and entering. He was convicted and served seven months in

Boston jail. He was at large from the expiration of that sentence until June 22, 1921, when he was convicted at Suffolk Superior Court, Massachusetts, for robbery while armed, and sentenced to six to nineteen years in Massachusetts state prison. On August 12, 1921 he was transferred to the Bridgewater insane hospital, Bridgewater, Massachusetts, from which he escaped on September 10, 1921, and was at large until rearrested and convicted in January 20, 1923, at Montreal, on a false pretence charge. He was returned to Kingston penitentiary on February 3, 1923, and from there transferred to the Ontario asylum at Guelph, on Feb.5, 1923, and from that institution escaped on December 28, 1926, being returned three days later. He was eventually pronounced sane on April 29, 1929, and returned to Kingston penitentiary, in which institution he is still serving.

Mr. SPEAKER: I regret to interrupt the hon. member, but he has spoken forty minutes.

Some Hon. MEMBERS: Go on.

Mr. ROSS: I wish to say only this: I would have no object in saying that any one set of officials could conduct this institution better than another. I do say however that our system is wrong. The fault may not lie at the door of the penitentiary, but the system should be revamped, and evidence concerning it should be reviewed by someone. I have one particular object in taking part in this discussion and doing what I have done in the past, and that is to bring about some system whereby we may prevent the young people from going to our penitentiaries. To-day the penitentiary has been defined, so far as its functions are concerned. What is it? It is a large pot into which everything is dumped - thugs, murderers and convicts of all kinds. There may be some decent fellows, and there are boys of fifteen, eighteen and twenty years of age. No distinction is made between them. There is no line drawn between the good and the bad. My recommendation in regard to these boys will be made at some other time.

The condition in which they are in there, Mr. Speaker, is pitiful. I do not care how many people will deny my statement when I say

Mr. SPEAKER: I regret to interrupt the hon. member, but he has spoken forty minutes.

Mr. ROSS: I wish to say only this: I would have no objection in saying that any one set of officials could correct this institution rather than another. I do say however that our system is wrong. The fault may not lie at the door of the penitentiary, but the system should be examined, and evidence concerning it should be reviewed by someone. I have one particular object in taking part in this discussion and saying what I have done in the past, am that is to bring about some system whereby we may prevent the young people from going to our penitentiaries. To-day the penitentiary has been referred, so far as its bottoms are concerned. What is it? It is a large pot into which everything is dumped - thugs, murderers and convicts of all kinds. [illegible] between twenty and twenty years of age. No distinction is made between them. There is no line drawn between the good and the bad. My recommendation regarding the above bill will be made at some other time.

The condition in which they now are in there, Mr. Speaker, is disgraceful. I do not condemn any people with being [illegible]

that from the time those fifteen year old boys enter our penitentiaries they come under the influence and force of the worst moral perverts to be found or which could be found anywhere in Canada. For years back guards have told me that every boy of fifteen years who enters the institution is at once the object of moral perversion. Only the other day a boy of fifteen years came from Windsor. He was without socks, was wearing shoes that a pig would not wear a coat which looked as though the dogs had torn it and was wearing a collar but no shirt. What attitude and disposition must that boy have to society? Is there no hope? Can we not hope that some strong influence will bring a change?

Hon. HUGH GUTHRIE (Minister of Justice): Mr. Speaker, the discussion on the motion now before the house has taken such a wide range that in the time allotted to me I shall not be able to touch more than the fringe of some of the questions that have been raised. At some later time in the session, therefore, when a better opportunity will be afforded to do so, I shall take occasion to discuss many of the matters that have been raised here to-day and which I cannot deal with in the forty minutes allotted to me.

There are one or two observations of a preliminary nature which I should like to make in regard to the whole penitentiary question. There is a genesis to the agitation which has been carried on for the last year and a half in regard to penitentiary administration and that genesis will be found in the conviction of eight communists in Toronto about two years ago, at which time we were indirectly warned that we were inviting trouble for ourselves in the penitentiary if these men were treated as ordinary prisoners.

From that time on, a very active propaganda has been carried on throughout Canada by such organizations as the Canadian Labour Defence League, the Workers Unity League and other organizations of the same kind, which are all more or less tainted with communism. When I tell the house that the communications which have been sent directly to me during the past year have numbered over fifty thousand from all parts of Canada, one can see at a glance that there is some directing force to the whole propaganda that is being carried on, and that is centred in the city of Toronto. The most recent communication that I have had was in the nature of a Christmas seal which was placed on express parcels during the recent Christmas season and which I exhibit now only as a curiosity. It reads:

Mr. Guthrie who ordered the attempt on Tim Buck's life.

This is the Christmas seal that was put on express parcels in Toronto during the month of December last, in addition to the 50,000 odd communications that have been addressed to me by way of postal card circular letter and petition to which, I need not tell the house I did not take the time to reply.

The most recent letter that has come to me came today, and I might take time to read it. It is an intercepted letter addressed to one of the eight communist prisoners in the penitentiary, whose name I shall not give, from the Workers Unity League, and is dated February 7th, Instant. It reads:

Dear Fellow-Worker:

We offer you our heartiest revolutionary working class greetings on your 43rd birthday - the second birthday that you are forced to spend locked up behind the cold steel bars and stone walls of the Bennett government.

Mr. A. Mc

Page Two

Even that line on, a very massive propaganda has been carried on

[illegible] made by such organizations as the Canadian Manufacturers

Association, the Toronto Board of Trade, [illegible]

the same kind, which we all know or have touched with communism.

When I read the names that [illegible] I have been sent

directly to me during the past year from [illegible] over fifty thousand

and from all parts of Canada, one sees at a glance that there is

some directing force to the whole propaganda that is being carried

on, and that is centred in the city of Toronto. The most recent

[illegible] that I have had was in the nature of a Christmas card

which was placed on my desk personally, by the Toronto Christmas

season and which I exhibit now only as a curiosity. It reads:

"Mr. Quinlie was convicted the element on this card, 1932."

This is the Christmas card that was put on my desk in

Toronto during the month of December last, in addition to the

50,000 and communications that have been [illegible] to me by way

of general mass circulars [illegible] to [illegible], I shall not

bell the horse I am not [illegible] [illegible].

The most recent letter that came to me came today, and I

might take time to read it. It is an [illegible] letter addressed

to one of the eight communist prisoners in the [illegible], which

name I shall not give, from the Toronto Union Labour, and it begins

"Dear [illegible]. It reads:

Dear Fellow-Prisoner:

[illegible]

Fellow-worker, we know that you are with us in spirit at every step of our struggle, We feel your power and strength in every phase of our work. The great work that you accomplished in the Canadian Labour Movement was and is the granite-life foundation upon which we are building up the revolutionary industrial unions. We are doing our level best to carry on your work, trying to carry out in life all of your policies and aims.

You will be glad to know that our movement is steadily forging ahead, winning new sections of the workers to our revolutionary programme and struggle - and that, although the ruling class dealt us a very heavy blow when they tore you away from us, nevertheless they have failed to halt us as they planned and expected. As you and Tim Buck predicted - our cause advances;

Tens of thousands of Canadian workers will greet you on Feb. 11th, as the leader of the revolutionary industrial unionism, as the stalwart and unshakeable symbol of all that we hold dear of all that we fight for. Hold firm dear comrade! We are fighting hard for your release. We need you back in our ranks. We will win you back to your rightful place - at the head of the revolutionary industrial union movement of Canada.

With our warmest working class greetings, Thomas Charles Sims,
On behalf of the National Execution Board.

My object in bringing this to the attention of the house is to show that there has been an active propaganda in regard to penitentiary matters. I would also point out that it was all fixed upon one institution. There are eight penitentiaries in Canada. They are all operated under the same government, upon the same principles, and under the same regulations, but the whole agitation has been directed to Kingston penitentiary where the eight communists are confined, having been sentenced to fairly long terms by the highest court in the province of Ontario. Why was there no attack on the other institutions? The management is the same, the regulations are the same, the conditions are the same; but the whole attack has been focussed on the Kingston penitentiary where the eight communists are confined.

Miss MACPHAIL: May I ask a question? I hope the minister is not attempting to link my interest in the penitentiaries with the communists who have flooded him with letters and petitions?

[illegible]

[illegible]

[illegible]

Mr. GUTHRIE: No I was not referring to my hon. friend from Southeast Grey (Miss Macphail) in any way. I am talking about the whole agitation which has been going on for the last twelve or fifteen months and which everybody knows about, an agitation developed by reason of the fact that the Canadian Labour Defense League not only supplied all labonr organizations, trades and labour councils throughout Canada, with a most lurid account of conditions in Kingston penitentiary, unfounded, untrue in the statements that were sent out, but petitioned and memorialized to the various churches of Canada. Then the matter got into the press. Then certain former inmates who had been liberated on ticket of leave and the like saw the opportunity of carrying on a campaign in the newspapers, publishing books and letters, and the Toronto Globe in its publication of the Withrow letters certainly added fuel to the flames.

A greater overstatement of conditions was never contained in any volume than I find in this book Shackling the Transgressor. It is unfounded in every respect. It is an exaggeration in every subject with which it deals. A great many of the instances referred to in this volume are absolutely untrue, and I refer to it now only because the hon. member for Southeast Grey has referred to it.

Withrow was a convict in Kingston penitentiary. He apparently is a man of education and some refinement, and I can well imagine, and we can all realize, that to such a man the daily monotony of prison life is a tebrible punishment. As he says in his book, the click-click of the locks, the tread-tread on the corridors of the other prisoners, got on his nerves. A term of imprisonment in a penitentiary is a terrible punishment to a man of refinement or

Mr. GUTHRIE: No I am not referring to my hon. friend from [illegible] I am speaking about the whole agitation which has been going on for the last twelve or fifteen months, [illegible] reason of the fact that the Canadian Labour Defence League, not only [illegible] out Canada, with a most lurid account of conditions in Kingston penitentiary, unfounded, untrue in the statements that were sent out, but magnified and monopolized in the various centres of Canada. Then the matter got into the press. Then certain former inmates who had been liberated on ticket of leave and who also saw the opportunity of carrying on a campaign in the newspapers, publishing books and letters, and [illegible] mainly added fuel to the flames.

A greater overstatement of conditions was never presented to any [illegible] It is unfounded in every respect. It is an exaggeration in every subject with which it deals. [illegible]

[illegible]

education. Of Withrow's experience in the penitentiary which began prior to my having anything to do with the penitentiaries and ended in October 1929, I cannot speak with as full information as I would like as to the conditions which prevailed there. I have not that intimate knowledge of the conditions which prevailed in those days, but from the files in the Department of Justice I have been able to look up certain statements contained in the Withrow book, and I know that they are absolutely false and unfounded. The grossest kind of exaggeration has been indulged in. I shall give only one or two instances as I have not time to give more. Here is a sample taken from page 114 of this book, Shackling the Transgressor:

The chaplain looks upon Red --

That is a prisoner in the institution --

> --as his curate for my friend sees to it that none of the religious rights of their faith are neglected by the Roman Catholic patients. On the first visit of the new archbishop to the prison it was requested by His Grace that "Red" should read the address of welcome. My friend came to me and asked if I would help him in the preparation of this address. I agreed and Catholic and Protestant wrestled with the proper wording and I typed the final draft. Though the committee selected the work of another inmate, "Red" was the orator on the special Sunday and I have always felt a glow of satisfaction at being associated with "Red" Ryan in such a bit of service.

His Excellency the Archbishop of Kingston called on me a short time ago and called my attention to that paragraph and said, "Mr. Guthrie, that is untrue." I did not like to use anything that had been conveyed to me in a private conversation by His Excellency the Archbishop, and so a few days ago, on January 27 last, I wrote him a letter and in reply he authorized me to make use, if I saw fit, of his statement in parliament. He wrote me as follows:

education. Of Aitkrow's experiences in the penitentiary which began prior to my having anything to do with the penitentiaries and ended in October 1929, I cannot speak with as full information as I would like to be in the conditions which prevailed. I am very fairly familiar knowledge of the conditions which prevailed in those days, but from the time in the Penitentiary to Portsmouth I have had little personal contact with the Penitentiary. I am well aware that the conditions which prevailed in those days, and from the time in the Penitentiary to Portsmouth I have had little personal contact with the Penitentiary. The personnel also of management has been indulged in. I shall give only one or two instances as I have not time to give more. Here is a sample taken from page 114 of this book, Wheeling the Penitentiary:

The chaplain looks upon that --

That is a prisoner in the institution --

--- was sworn for my friend came to it that some of the religious rights of their fellow men and women in the penitentiary. Mr. Kent seemed to be a humane man and sympathetic. We felt that if I would help him in the prosecution of this matter, I would be doing a good work. Accordingly we started in on the project working and I began the final draft. Though the work I had selected the work of my other interest, Mr. Kent was also working on the special Summer Session I have always felt a glow of satisfaction as being associated with "Mad" Kent in that work.

His Excellency the Archbishop of Kingston called on me a short time ago and had a long talk on Penitentiary and Jail, Mr. Kent, Dunlop, that is nothing. I did not like to see anything that was contrary to an old a private conversation by the Archbishop the Archbishop, and so a few days ago, on January 27 last, I wrote him a letter and in reply he authorized me to make use, if I saw fit, of his statement to parliament. He wrote me as follows:

You are at perfect liberty to use as you see fit the remarks I made about the address presented to me on the occasion of my first visit to Kingston penitentiary. These are correctly contained in the second paragraph of your letter to me, viz.

"I understand that Your Excellency was not consulted in regard to this matter at all, and that you did not request Red Ryan either to prepare or present the address in question, and that as a matter of fact, he did not read the address."

I absolutely requested no one either to write or present an address to me, nor did I know anything of it until I was about to go to the penitentiary.

So much for that statement in the Withrow book. Let me mention just one other.

He mentioned an unfortunate happening in Kingston penitentiary in the year 1928 or 1927, I am not sure which, when a prisoner, McCloskey, killed a guard. He was subsequently tried, convicted and hanged. According to Withrow this prisoner was a quiet, well-behaved fellow with no ill will to anybody, and he further says that he did not receive a fair trial, that he was really a mental case, and that had he been properly defended he would not have been hanged. Now without any solicitation on my part the lawyer who defended this man on his trial -- he was tried twice as a matter of fact -- has communicated the facts to me; that the prisoner had no excuse for the terrible act he committed, that he killed that guard, that he had no provocation any more than that he did not like the guard. The guard was a man whom everybody, even the prisoners, liked and respected. The prisoner had two trials, was defended at the cost of the attorney general of Ontario, and was convicted at both. All these facts were written by this lawyer to the Toronto Globe, when it published this article from Withrow's book, but the Globe refused to publish the lawyer's letter. I have the lawyer's letter here but I shall not take the time to read it, although I may do so on a subsequent occasion. If I had the time I could analyze

the Withrow book, but that book pertains to a time when I was not Minister of Justice. However, I am satisfied that the conditions pictured in Withrow's book were not true of the administration of my predecessor. The whole thing is an unfounded insinuation and an attempt by Withrow to get even with the system under which he was punished.

May I touch upon a matter rather personal to myself. This concerns an interview published in the newspapers on December 1 last. I happened to be arriving in Quebec city that day at half past seven in the morning. As I stepped off the train I was accosted by a newspaper man who asked me about conditions in the penitentiaries and whether or not there was to be an investigation. I told him that upon two occasions last spring deputations from the Canadian Labour Defence League had come to Ottawa asking that an investigation be held under royal commission and that the Prime Minister (Mr.Bennett) had made a decided statement to both deputations that there would be no investigation by royall commission. Lest it should be thought I was hiding anything, I told the newspaper man that conditions in Kingston and the other penitentiaries were perfectly satisfactory and that so far as the penitentiaries and headquarters' staffs were concerned, they would welcome an investigation. But I said there was not to be an investigation by royal commission. Unfortunately it was stated in the headlines that I wanted an investigation by royal commission but that the Prime Minister had refused. This was an entirely erroneous statement and I have given the house just what occurred.

the Withrow book, but that book pertains to a time when I was not Minister of Justice. However, I am satisfied that the conclusions pictured in Withrow's book were not from of the administration of my predecessor. The whole thing is an unfounded assumption and an attempt by Withrow to get even with the system under which he was punished.

May I touch upon a matter rather personal to myself. This concerns an injurious publication in the newspapers on December 1 last. I happened to be arriving in London only thirty day on that date seven in the morning. On I should say that I was approached by a reporter man who asked me about conditions in the penitentiaries and whether or not there was to be an investigation. I said that there pro occasions that every inquiries from the Canadian Labour Advance Leagues had come to Ottawa asking that an investigation be held under royal commission. I said that the Minister (Mr.Mannix) has now a decided attitude not to have disclosures that these cases be an investigation by royal commission. That is should be through the ordinary machinery. I told the newspaper man that conditions in Kingston and the other penitentiaries were pretty satisfactory and that the Minister is more particularly satisfactory and that as due to the Commissioner and the Warden, and that no doubt would follow an investigation. This I said there should not be an investigation by royal commission. Unfortunately it was stated by the newspaper that I made an investigation by royal commission. This was an entirely erroneous and I also had made a mistake. This was an entirely erroneous statement.

Prior to the outbreak of the riot in October, 1932, there was an attempted outbreak in August, 1931. This has been referred to by the hon. member for Kingston (Mr.Ross) who produced some dangerous looking weapons - I would call them knives or daggers - to the view of the house as though they were some simple tools for use in the factory. The history of this matter is rather interesting. These weapons were made surreptitiously in one of the shops at Kingston and were hidden there for the purpose of assisting in a revolt in that institution. It was stated by someone that they had been taken from a knitting or other kind of machine and sharpened up for the purpose. The hon. member for Kingston said that they were files, but it is evident they had been manufactured into weapons of offence of a very dangerous kind.

Mr. ROSS: I do not want to interrupt, but for the sake of clarity I might say that those things were there for twenty years and the challenge had been made to investigate.

Mr. GUTHRIE: That is not the report of the occurrence which was laid before me. Some five or six men were implicated in this contemplated riot, which was to be a very murderous affair. One or two days before it was to be pulled off, one of those concerned got cold feet, as the saying is, and told one of the officials of the penitentiary. All those implicated were promptly locked up in their cells. Word came of where the weapons were concealed. If they were ordinary tools belonging to the shop, why were they concealed? After a considerable hunt they were found, and I believe there were six or eight of them. According to the man who informed the guards, the outbreak was to take place at or shortly before the noon hour when a

[illegible] of the riot in October, 1932, there was an alleged outbreak in August, 1931. This has been referred to by the [illegible] [illegible] [illegible] [illegible] [illegible] these [illegible] cutt-ing weapons - I would call them knives or daggers - to the view of the house as though they were some simple tools for use in the factory. The history of this matter is rather interesting. These weap-ons [illegible] [illegible] [illegible] were hidden there for the purpose of starting in a revolt in that institution. It was stated by someone that they had been taken from a knitting or other kind of machine and sharpened up for the purpose. The hon. member for Kingston said that they were files, but it is evident they had been manufactured into weapons of offence of a very dangerous kind.

Mr. ROSS: I do not want to interrupt, but for the sake of clarity I might say that these things were there for twenty years and the [illegible] had been made to investigate.

Mr. GUTHRIE: That is not the report of the commissioner which was laid before me. Some five or six men were implicated in this conspiracy plot, which was to be a very murderous affair. One or two [illegible] before it was to be pulled off, one of those concerned got cold [illegible] by his saying so, and told one of the officials of the penitentiary. All those implicated were promptly locked up in their cells. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] were they concocted? After [illegible] [illegible], and I believe there were six or eight of them. [illegible]

certain truck usually arrived with goods. The men on the truck were to be seized and the truck was then to be driven at full speed against the gates. They realized that possibly some might be killed but they were willing to take their chances. If they got to the main gate they thought they could overpower the guard and get out. Those men were punished and the man in charge of that shop was let out of His Majesty's service in the penitentiary staff at Kingston. As the saying is, he was let out in order to promote efficiency. I am sorry that he happens to be a friend of the hon. member for Kingston. I do not like to have him displeased but the evidence and recommendations placed before me left me no alternative. I had to act and I did act accordingly.

There was a change made in the staff shortly before the riots. General Ormond became superintendent of penitentiaries on August 1, 1932, three months before the riot in Kingston penitentiary. General Ormond had a long career as a military man and I believe at one time had been in the Royal Canadian Mounted Police. He was accustomed to handling and managing men. He had been in the department only three weeks when he had a preliminary discussion with me in regard to both Kingston and St.Vincent de Paul penitentiaries. At that time he elaborated to me certain suggestions by way of reform in these institutions which he promised to work out and let me have in detailed form at an early date. Some of the reforms he proposed would take some time to develop and both he and I considered it necessary that he should consult more of the wardens before instituting them. I think that at least ten or fifteen reforms were carried into effect shortly after the discussion in August, and

certain truck usually arrived with goods. The men on the truck were
to be asked for the money, which they would be glad to hand against
the goods. They realized that possibly some might be killed but they
were willing to take that risk. If they had to go to the main
they thought they could overpower the guard and get out. These men
were punished and the man in charge of that shop was let out of his
Majesty's service in the strongest way possible. In
saying is, he was let out in order to provide efficiency. I am
sorry that he happens to be a friend of the Duke. Sorry for King Tom.
I do not like it that an officer had the effrontery
items placed before me left me no alternative. I had to act and I
did so immediately.

There was a change made in the staff shortly before the riots.
In 1932, three months before the riot in Kingston and Montserrat. Governor
of Jamaica is being lured as a military [illegible]
that had taken in the Great Cane Farmers [illegible]. He was
based to handling and managing men. He has been in the department
only three weeks when he has a preliminary discussion with me in re-
gard to many things [illegible] in Jamaica. At
that time he elaborated to me certain suggestions by way of reform
in some institutions which he promised to work out and let me have
in Jamaica even at an early date. Some of the reforms he proposed
would take place in Jamaica as well as in [illegible]
necessary that he should consult me at the Colonial Office before
giving them. I think that at least two or fifteen [illegible]
carried into effect shortly after the Disturbance is begun.

some time before the riot, when there was no trouble in Kingston penitentiary, they were well under way. After the riot the time of the superintendent was taken up with the consideration of conditions at Kingston and the straightening out of the difficulties. On January 1, 1933, the new regulations, which were considered by most people as being rather sweeping, were brought into force. I know that from one end of Canada to the other I have received recommendation from men in high places of the reforms which have taken place in the penitentiary system of Canada since January 1, 1933. The superintendent has been very diligent, working on an average of fifteen to sixteen hours daily. He has been reasonable, his suggestions have been sound, and he has made a more intensive study of the whole penal system than I thought would have been possible in the time at his disposal. He has visited a number of similar institutions in the United States; he has made comparisons and examinations of methods which prevail in that country and such experience as he has had and such knowledge as he has gained, he has brought to bear in regard to penal institutions in Canada which are under his charge. He has worked a tremendous reform and anyone who takes occasion to read the report which I laid on the table a week or ten days ago will see those reforms carefully noted on one of the pages. The house will be amazed at the changes which were inaugurated and carried into effect by General Ormond within five months of his appointment as superintendent.

But he has not stopped there. In this very report he discusses fully most of the questions which we are considering in this debate.

He deals very fully with the question of segregation of prisoners, with the hospital situation, with the question of juvenile offenders, with the question of payment of wages to prisoners, which he likewise favours. He recommends the institution of training schools for guards and staffs in the penitentiaries. He is very strong in his recommendation for a psychologist in each penitentiary in Canada in order that a prisoner on being received into the prison may be carefully examined as to his circumstances, his past life, his adaptability and the possibility of improving him while he is there. All these things are discussed in this report of the superintendent; it contains on these subjects fuller information than we have had before the house on any previous occasion.

I am aware that some recommendations contained in the report of 1914 were not adopted, as was also the case with some contained in the report of 1921. Why my predecessors in the Department of Justice did not see fit to adopt those recommendations, I cannot say; but I think with two exceptions they are all in force now. In one of these reports there is a recommendation that the prisoners should not be fed as they are now, on the cafeteria system. At present every man passes along a counter with his tray , receives his food allowance and carries it to his cell. He eats his meal there. One of these reports states that that system, known as cellular feeding is all wrong and recommends that dining rooms be established in order that the prisoners may mix with one another at meal hours. That is a highly debatable question. Many of our prisoners object to the common dining room. They do not want to be subjected to close association with some of the men beside whom

to some very fatal ends by pressure or exploitation of prisoners, with the hospital scandals, with the medical or juvenile offenders, with the question of support of women in institutions, and in Ukrainian favours. He recommends the institution of training schools for guards and staffs in the penitentiaries. He is very strong in his recommendation that a new institution be formed in order that a prisoner on being received into the prison may be carefully examined as to his circumstances, his past life, his capability and the possibility of improving his mind as in there. All these things are discussed in this report of the superintendent; it contains on these subjects fuller information than we have had before the house on any previous occasion.

I am aware that some recommendations contained in the report of 1964 were not adopted, as was also the - was with some contained in the report of 1971. Why my predecessors in the department of justice did not see fit to carry these recommendations, I cannot say; but I think with two exceptions they are all in force now. In one of these reports there is a recommendation that the prisoners should not be fed as they are now, on the cafeteria system. At present every man passes along a counter with his tray, receives his food allowance and carries it to his cell. He eats his meal there. One of more reports states that that system, known as cellular feeding is all wrong and recommends that feeding rooms be established in order that the prisoners may mix with one another at meal hours. This is a highly debatable question. Most of the prisoners object to the common eating room. They do not want to be thrown in with some associations which some of the more hardened

they may have to sit. They prefer the cellular feeding; they say that it gives them more time; they have time to rest, to reflect. Some prisons in the United States have adopted the dining room system; some in England have done likewise, but all have not done so and it is a debatable question which is the better system so far as penal institutions are concerned.

It is also stated that we should have some definite scheme of segregation in our penitentiaries, and I entirely agree with that suggestion. I believe the best discussion on the subject is that contained in the superintendent's report and also in more lengthy reports which he has submitted to me, compiled from practically all modern prisons in the world. The question of segregation is a difficult one. Many leading men in the various churches of Canada have discussed the matter with me, and when I have asked them on what principle they would base segregation, they would immediately say: Age; keep the young men apart from the older ones. Well, when I pointed out to them that some of the young men are about the worst offenders we have, they immediately began to change their view. Others will say: Keep the first offenders by themselves. That is also a reasonable suggestion, but we sometimes find that a first offender is guilty of a very serious crime of violence; he is a gun-man; he may be guilty of manslaughter. Would you let a gunman, if you have caught and sentenced him only once, associate with other first offenders? The problem is complex; in no country has it yet been satisfactorily settled. But the superintendent is certainly developing what appears to me to be a very satisfactory arrangement. He proposes to form within

they may have to sit. They prefer the solitary feeling; they say that it gives them more time; they have time to work, to reflect.

Some prisons in the United States have adopted the Auburn system; systems come in England have done likewise, but all have not done so and it is a debatable question which is the better system so far as penal institutions are concerned.

It is also matter that we should have some effective means of segregation in our penitentiaries, and I entirely agree with that proposition. I believe the best observation on the subject is that contained in the Super Intendent's report and also in more lengthy reports which he has submitted to us, so called from occasionally all modern prisons in the world. The question of segregation is a difficult one. Many intelligent men in the various educational bureaus have discussed the subject with us, and when I have asked them on what principle they would base segregation, they usually immediately say: Age; the young men apart from the older men. Well, when I probe out to them that some of the young men are about the worst offenders we have, they immediately begin to ponder more. That is also a reasonable suggestion, but on second thought that a first offender is guilty of a very serious crime of violence, he is a dangerous; he may be guilty of manslaughter. Would you let a young, if you have young and inexperienced and naive, associating with young criminals. The question is somewhat plain to be answer but it are have satisfactory answers. The segregation is another subject which is a very satisfactory consideration. In classes by the prisons

the penitentiary itself a local court to consist of the warden, the chaplain, the schoolmaster, the keepers and some of the other officials, where they will examine a prisoner on his entrance with a view to seeing what he is best adapted for and what his history has been. Then he suggests that there be attached to the staff of each penitentiary a psychologist, a man competent to inquire into the convict's past and present and into his future possibilities, and that on the the report of that board he be placed in either class one, class two, class three or class four according as the prison may permit of segregation into two, three or four classes or more. The scheme which he elaborates is a complicated one, but I think, in the end, it would prove very useful in our institutions. You cannot have segregation satisfactorily carried out on the principle of age. Many of our young offenders have had four or five convictions, so that you cannot have segregation along the line of first offences as I once thought it might be carried out. There are other considerations, but I think with the scheme now presented by the superintendent, a more satisfactory result will be obtained than anything that has been hitherto achieved in regard to Canadian penitentiaries.

The next point that has been brought directly to my attention by the superintendent is the question of a new parole system. I believe he likewise deals with that in his report, but whether he does or not, he has elaborated his ideas very fully to me in another document which I am considering at the present moment and which I think I shall be able to discuss more fully when the estimates are before the house. If the hon. member for Southeast Grey, instead of devoting her time to the reports of 1914 and 1923, would make a careful study of the

suggestions contained in the most recent report in regard to the matters she has discussed, I am sure she could then form a better opinion; and if she will communicate with me the ideas she has formed I shall be glad to take them up with the superintendent and see if they can be used in the plan which he is about to recommend to the department.

Let me say this in regard to the hon. member for Southeast Grey: she is an exceedingly sympathetic member of the house and it is all to her credit that she is so; but I am informed that there are cases in which her sympathies rather get the better of her. I received from her a somewhat alarming telegram in October last. I mention that because she herself has referred to this case in the address which she has made on the motion to-day. I shall not give any names, but the telegram I received, either in October or November, was to the effect that a certain man then in Carleton county gaol was sentenced on October 13 to serve five years in Portsmouth penitentiary, that he had tuberculosis and such a sentence means death. She states further:

> I am interested that he be sent to Burwash, Guelph or Mimico. I have known this man favourably for four years. He is an ex-service man with a good record. Tuberculosis due to army.

In discussing that particular case to-day, the hon. member for Southeast Grey said: "He is a man who had a fine social outlook," and she spoke well of him. I am afraid my hon. friend does not know the man as well as the records know him. I am affaid he is not the kind of man to be encouraged, though we have every sympathy for him so far as his physical condition is concerned. As soon as I received the telegram I notified the gaoler in the Ottawa gaol, an institution

over which I have no control, to look specially after the prisoner. Of course when he was conveyed to Kingston he came under the control of the department, and there we have given instructions that his case be closely watched and that everything that can be done should be done for him. From the medical reports I am inclined to think that he is not such a serious case as my hon. friend the member for Southeast Grey has been led to believe. But I am sorry to say that his criminal record is a very bad one. His first conviction was for indecent assault at Winnipeg. His second was for a bestial crime which I shall not mention in this chamber, for which he was sentenced to five years in the British Columbia penitentiary. He was released on ticket of leave to enlist in the Canadian expeditionary force, in which he served, but before he went he was again convicted of indecent assault and sentenced to twelve months. In 1919, after the war, he was convicted at Toronto of forgery. In 1920, again at Toronto, he was convicted of theft and sentenced to nine months. On June 17, 1922, at Toronto, he was convicted of theft and sentenced to six months. In August, 1925, at Ottawa, he was convicted on a charge of gross indecency and sentenced to four years in Kingston. In March, 1926, he was transferred to the Manitoba penitentiary. On October 13, 1933, at Ottawa, he was again sentenced to five years in the penitentiary for indecent assault. That is the case. I do not wish to make any comment more than to say that the tuberculor condition spoken of has not yet developed to a serious extent. The case is being closely watched and every medical attention being given.

over which I have no control, to look specially after the prisoner. Of course when he had arrived in Kingston he was under the care of the department, and there we have given instructions that he be closely watched and that everything that can be done should be done for him. From the medical reports I am confident he should be in not bad health - medically speaking. Dr. Fitzgerald, the Inspector of Prisons, has been kind enough to call here. He is very anxious for the prisoner's general health. He is a very kind man. His first conviction was for burning a vault at Winnipeg. His sentence was for a period which I shall not mention in this character, for which he was sentenced to five years in the British Columbia penitentiary. He was released on ticket of leave to which he is the Canadian penitentiary terms, in which he served, but before he went he was again convicted of larceny and sentenced to two years more. In 1881, after his term, he was imprisoned at Toronto. In 1883, while at Toronto, he was convicted of theft and sentenced to six months. In August, 1885, at Ottawa, he had committed a gross larceny and sentenced to four years in Kingston. In March, 1890, he was transferred to the Manitoba penitentiary. On October 17, 1892, at Ottawa, he was again sentenced to five years in the penitentiary for housebreaking. That is the case. I do not wish to say anything more than to say that I have no conclusion regarding it but my personal feelings. Dr. Fitzgerald, who is a very kind man, is trying already with the prisoner.

I am afraid my remarks are a little rambling, because I see a little note in regard to the Collin's Bay matter mentioned by the hon. member for Kingston (Mr.Ross). At the time of which he speaks, when the brokers were at Collin's Bay, there was a warden at Collin's Bay named Jackson. I think I mentioned in this house last session that when I came into office under the present government I found a very unsatisfactory condition of affairs existing between the high officials in Ottawa and some of the wardens and staffs at the various penitentiaries. No one knows better than my hon. friend from Kingston of the friction which existed. I was away most of the autumn of the first year that I was minister, but in the spring of 1931, through the instrumentality of my hon. friend from Kingston, information came to me that matters at Collins Bay were not satisfactory, that warden Jackson was not properly performing his duties. The statements were so glaring that I was disinclined to credit them; I thought they were mere rumours. I called the superintendent before me and inquired fully into them, and he said the warden was one of the best officers on the staff. I went further and had the warden before me, and I must say he convinced me that he was carrying on according to regulations and that the rumours were not well founded. Subsequently, however, other information came to me that he was carrying on according to regulations and that the rumours were not well founded. Subsequently, however, other information came to me and I found that the warden was guilty of very grave breaches of duty. Without going through the form of a trial, which my hon. friend thinks should take place in every case, I retired the warden from the penitentiary staff, simply on the ground that I was trying to promote the efficiency

I am afraid my remarks are a little rambling, because I see a little more by reason to the collins's may matters mentioned by the hon. member for Kingston (Mr.Ross). At the time at which he speaks, when the brothers were at Collins's Bay, there was a warden at Collins's Bay named Jackson. I think I mentioned in this House last session that when I was Minister [illegible] I found [illegible] penitentiaries. No one knew better than my hon. friend from Kingston of the friction which existed. I was away most of the summer of the first year that I was minister, but in the spring of 1921, through the instrumentality of my hon. friend from Kingston, information came to me that matters at Collins Bay were not satisfactory, that warden Jackson was not properly performing his duties. The statements were so startling that I was interested in [illegible], I thought, they were rumours. I called the superintendent before me and impressed fully into them, and he said the warden was one of the best officers on the staff. I went further and had the warden before me, and I must say he convinced me that he was carrying on according to regulations and that the [illegible] [illegible]. However, later information came to me that he was carrying on according to regulations and that the rumours were not well founded. Subsequently, however, other information came to me and I found that the matter was quite of very grave [illegible] [illegible] through the fault of a [illegible], which my hon. friend thinks should take place in every case, I replaced the warden from the penitentiary staff, simply on the ground that I was trying to promote the efficiency

of the service. I am sorry to say we have had to do the same with a number of officials at Kingston who proved thoroughly inefficient in the time of danger during the riot of 1931. I have no personal knowledge of any of the individuals who were displaced; I never saw them; I acted solely on the reports of the officials who advised me, the superintendent and the warden. When an adverse report came in in respect of those guards, I felt it my duty to let them out. There are serious responsibilities in all penitentiaries; you cannot have guards who are disobeying or disregarding regulations or smuggling out letters. You cannot trust them. When adverse reports came in which satisfied me that their efficiency was not what it should be, I retired him. If in doing so I have offended in some instances my hon. friend from Kingston or other residents of that city who have written me very strong letters on the subject, I am sorry. But I felt it my duty to act as I did; we had to create some thirty or forty vacancies in the staff of that institution, which were subsequently filled by other appointments.

One other matter, and I will close with this. So lively became the agitation in the press and from the pulpit and in the various social service and church councils throughout Canada in regard to Kingston penitentiary, in which the eight communists were incarcerated - not in regard to the others - that the maintenance of order in that institution became a very serious problem. Time and again the warden has sent me, through the superintendent, information as to incipient outbreaks. Time and again since last I had the honour of speaking on the subject in this house we have had threatened revolts. Each new prisoner that came from Toronto immediately passed the

of the service. I am sorry to say we have had to do the same with a number of officials at Kingston who proved thoroughly inefficient in the time of danger during the riot of 1932. I have no personal knowledge of any of the individuals who were dismissed; I never saw them; I acted solely on the reports of the officials who advised me, the superintendent and the warden. When an adverse report came in in respect of these men, I felt it my duty to [illegible] [illegible] responsibilities in all penitentiaries; [illegible] have [illegible] which satisfied me that their efficiency was not what it should be, I retired them. If in doing so I have [illegible] [illegible] and I felt it my duty to act as I did; we had to create some thirty or forty vacancies in the staff of that institution, which were subsequently filled by other appointments.

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word: "All the newspapers are for you,boys, and all the churches -- everyone is for you; another revolution and we will all be out. A very serious and difficult situation has arisen on at least half a dozen odcasions within the last ten or twelve months. On one occasion, I think in the month of September last or perhaps later, an influntial deputation arrived from Toronto representing the Social Service Council of Canada, a body which is recognized throughout the length and breadth of Canada as one of the very best social organizations we have. To that organization the Prime Minister intimated that he would be only too glad - and so would I - if they as a committee were to visit all the penitentiaries in Canada, make the fullest inspection they desired, and submit to the government their reports and comments thereafter. They said they would so do. But within a few days a great many letters came to me from reputable citizens asking for similar privileges, I am going to read only one or two of them. By the United Church presbytery at Almonte permission was asked for three ministers of the United Church to visit the penitentiaries unaccompanied by a guard and with the privilege of interviewing any prisoners they saw fit, and we granted them permission to do so. I did not ask for any report from them, but they made one, and I am going to read it. This is a letter dated November 10,1933, addressed to myself:

> Dear Mr.Guthrie:
> I thank you for the permission to visit the Kingston penitentiary, which under its wide privileges and accompanied by other members of the party, I availed myself of on October 31st and November 2nd.

They stayed three days.

Having consulted together as to the vital things and then gone back after the first visit to check up, we agreed that our reaction was that of surprise; from the moment we stepped in to the well-kept courtyard, throughout the inspection of both male and female prisons and the new women's prison - we saw nothing but efficient management, care for the physical well-being of prisoners, fair regard for the cultural and vocational side of things, and a spirit of evident deep concern of the principal officers in their tasks for the well-being of the men, and which in general is admitted by prisoners we interviewed.

The buildings are well-kept, well-heated and ventilated; the cells in all blocks are well-lighted, and in the evenings have sufficient light to permit comfortable reading, having 25 candle power Mazda lamps. There is a good toilet, wash basin, sufficient bedclothes, and fair bed - all in good condition - no odour anywhere -- and every evidence of abundant good reading matter in the cells, including a bible and in many cases a prayer book or catechism. We saw the meal being served, were surprised at its quality, and checked up on the menu. On the score of living conditions, clothing, food, reading, sanitary conveniences, I am sure no one could visit the place and complain.

Special attention was given to cells in the prison of isolation and that under the keeper's hall:-

This is the so-called dungeon.

--nothing that resembles the unsanitary conditions complained of in newspaper articles could be found, in fact the cells were larger and the afternoon sun flooded the "Two-Gun O'Brien" cell, and a showerbath at the end of the range.

The various shops were operating under good "shop" conditions - and apparently provision is made for instruction in useful trades; and fine work in woodwork, clothing, printing and mail bags were examined. The library astounded us, prisoners having access regularly to more magazine literature than the majority of people outside big cities, and plenty of good fiction and non-fiction. I have a catalogue and checked up on the shelves and in the cells.

The hospital conditions are commendable --

The criticisms offered by my hon. friend from Kingston go back fourteen or fifteen years, and conditions have been greatly improved since that time.

--and our conversations with Dr.Platt and Dr.Cumberland, the inside staff and orderlies as well as inmates in hospital, show that prisoners are well cared for and have medical, surgical and dental services regardless of cost.

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This is the so-called dungeon.

--nothing that resembles the unsanitary conditions one finds of in newspaper articles could be found, in fact the cells were larger and the afternoon sun flooded the "Two-Man Prison" cell, and a showerbath at the end of the range.

The various shops were operating under good "shop" conditions - and a, certain provision is made for instruction in certain trades; and from work in woodwork, clothing, printing and mat trades were mentioned.

The industrial conditions are commendable --

The criticisms offered by my hon. friend from Kingston go

[illegible]

[illegible]

--for the ladies' staff and attendants on work as issued in hospital, when they prisoners are well served but can have medical, surgical and dental services regardless of cost.

The men throughout the prison seem in good condition, and those who have had "solitary" --

That is solitary confinement.

--were ready to repudiate claims of inhumanity.

The chapels and school are older buildings with wooden floors. Provision is made for education of all illiterates: and good results at entrance examinationa are noted. The schoolroom itself needs to be changed, being too drab, and the Protestant chapel is obviously not as well looked after as the Roman Catholic. Interviews with the Roman Catholic chaplain, Very Rev. Dr. Kingsley, shows him to be exceptionally well fitted for his task: and as the Protestant chaplain is but newly appointed no opinion can be expressed.

In short, we felt strongly that the whole prison is being administered with a firm but fair hand; the warden is accessible and complaints are attended to - the men seem to appreciate his evident desire to be fair. They said unequivocally that the square shooter got a square deal.

The female prison is beyond reproach - and one could be envious of the regard the prisoners expressed for Miss Robinson - the women are getting a training in decent living, and their bedrooms, handwork, and tasks prepare them at least to make decent housemaids - and "Doris" is a splendid example of what can happen even in a penitentiary - as "Red Ryan" is in the other section.

We saw the "paddles" and "cats" old and new - and throughout - there was no evidence of any desire to evade and we saw the prison operating on usual schedule. Our party is convinced that to bring on an investigation at present would be to make for restlessness and to impede a good work being done. This warden is highly appreciated and his views are those of a man trying his best - and in view of the complexity and difficulty of the material he works with - he has accomplished much. The men appreciate the new tobacco (smoking in morning and afternoon) regulations - and the playing of softball and talking during recreation. It would be bad for discipline to reverse the policy.

The conditions under which visits to prisoners are made seem fair - and the only real complaints we could uncover were about the relative merits of met who got parole - an under-current that "offenders against persons" were given preference over "offenders against property."

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That is solitary confinement.

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The female prison is beyond reproach - and one could be envious of the regime the prisoners experience for Miss Robinson - the women are getting a training in recent industry, which bettered, hopefully, the chance of employment to make honest living - and "Doris" is a splendid example of what can be done even in a penitentiary - it is in the other section.

We saw the "paddies" and "cells" old and new - and comfort - there was no evidence of any desire to evade we saw the prison by getting on small job - the convinced that to bring on an investigation at work would be made for possible escape and to lay a work being done. This woman is rightly appreciated. Is vision are the [illegible] of a [illegible] - and in view of the complexity and difficulty of the material we [illegible] The men appreciate [illegible]

[illegible]

made seem [illegible] - and the only real complaint [illegible] [illegible] - [illegible] "[illegible] property."

This we did not attempt to investigate - but the records would show. Some feeling that there might be an enlargement of the parole system to release exemplary prisoners was expressed. Several men said "What is there to be good for?" -- meaning that "inside good conduct" was not as powerful as "outside influence". Personally I felt there was plenty of incentive to good conduct - and that your own address at last session of parliament after the riots was explicit on the working of "parole."

In all, after having specifically looked for evidence of brutality, vicious conditions, bad sanitation and the like, we are compelled to report that the institution will bear inspection - confident that others like ourselves - will find the same result and endorse the administration.

We feel there is something wrong when publications can make such a disturbance in public opinion by what to us must be regarded as maliciously distorted reports. The public would be satisfied if it knew and I am prepared at any time to tell the story if it will help to bring out the facts.

Again thanking you for the opportunity - and I will report to the church headquarters what I have seen and heard.

That was a commission of three men who undertook an investigation on their own behalf. I am going to reserve other reports for another time. I have here reports from the same church at Spencerville from the Kingston conference of the United Church, from the Prisoners' Welfare Association of Montreal, and a very elaborate report from the Social Service Council of Canada. I am going to read just one line from the letter of the chairman of that council.

Mr. SPEAKER: I do not want to interrupt the minister --

Some Hon. MEMBERS: Carry on.

Mr. GUTHRIE: I realize that I will have another opportunity and to-day I cannot deal with the matter as I should like. However, I should like to read a few lines from a letter written by the chairman of the Social Service Council of Canada, an institution which was highly commended by the Toronto Globe when it said that since the social

enough to investigate - but the records would show. Some feeling that there might be an emergency and of its nature explains somewhat the uneasiness was expressed. Several men said "what is there to be good for" -- meaning that "inside good conduct" was not [illegible]. [illegible] there was plenty of incentive to good conduct - and that your own authors at least consider of punishment after riots was explicit on the working of "parole."

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Mr. SHEARER: I do not want to interrupt the minister --

[illegible] Mr. [illegible]S: Carry on.

Mr. [illegible]: I realize that I will have another opportunity [illegible] I merely have with the report as I should like. However, I [illegible] the line from a letter written by the [illegible] Central Service Council of Canada, an institution which has [illegible] by the Protestant Churches that it will show the social

service council had taken up the matter there must be a royal commission. I have the full report, but I will read the letter only.

" The criminology committee of the Social Service Council of Canada desire to express to you their appreciation of the permission granted several of their members to visit the penitentiaries throughout the dominion.

The impression gained by the visitors as to the management of these institutions was distinctly favourable; the reforms introduced under your administration had effected a great improvement in the whole atmosphere, while the members of the staff, especially those highly placed, seemed to be of excellent character. We believe that more improvement has been made in the last year or two than in any similar previous period and for this we express our cordial gratitude.

We understand that the government has under consideration yet fuller reforms. We hope that, broadly speaking, these will follow the line suggested in the annual reports of the superintendent of penitentiaries during the last twelve years.

The report of the criminology committee which has just been passed by the council, and which will be issued shortly, will be sent to you for your information without delay.

I have the report before me as well; it is too long to read to-day, but I will read it on a subsequent occasion. With a single exception all those who have gone through these institutions, all men of high standing, have reported favourably. The single exception is a man who, I am afraid, from his attitude and the remarks he made while in the institution, is friend to the Canadian Labour Defence League.

Mr. HEAPS: I should like to ask the minister if all these reports refer only to the Kinston penitentiary.

Mr. GUTHRIE: No, they went through all the penitentiaries, but the reports seem to focus on Kingston. In no case have I had any complaint with regard to other penitentiaries, though I have had thousands upon thousands of complaints in regard to Kingston. They

surplus assets had risen to [illegible] and that there could be a legal hemisphere.

I have the full report, but I will read the letter only.

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The impressions gained by the visitors [illegible] reforms introduced under your administration had effected a great improvement [illegible] the conditions of the prisoners of this country, especially those highly placed, seemed to be of excellent character. We believe that more improvement has been made in the last year or two than in any similar previous period and for this we express our cordial gratitude.

We understand that the government has under consideration yet further reforms. We hope that, broadly speaking, these will follow the line suggested in the annual reports of the superintendents of the penitentiaries [illegible] the Legislative Assembly.

The report of the criminology committee which has just been passed by the council, and which will be issued shortly, will be sent to you for your information without delay.

I have the report before me as well; it is too long to read to-day, but I will read it on a subsequent occasion. With a single exception all those who have gone through these institutions, all men of high standing, have expressed themselves. The single exception is a man who, I am afraid, from his attitude and the remarks he made while in the institution, is friend to the Canadian Labour Defence League.

Mr. HEAPS: I should like to ask the minister if all these reports refer only to the Kingston penitentiary.

Mr. GUTHRIE: No, they went through all the penitentiaries, but the reports have to [illegible] in an area [illegible] any complaint with regard to other penitentiaries, though I have had numerous verbal remarks of complaints in regard to Kingston. They

all point out certain matters of reform which, as I said, are still under consideration. They all refer to the question of segregation; they all deal with the question of paroles and the appointment of a parole board, either within the penitentiary staff in each institution or in some other way. There are several common suggestions in all the reports I have received, but the tenor of all has been very satisfactory from the view of the department and the staffs of the penitentiaries.

Mr.NEILL: Would the minister take just one moment to deal with the statement that is being quite assiduously circulated in certain circles, that the government gave instructions to shoot Tim Buck?

Mr. GUTHRIE: I cannot speak on that question because it is a matter which is under investigation by the courts in Toronto. This I will say, however; I knew nothing of it and heard nothing of it until I read about it in the Ottawa Citizen a few mornings ago. The matter is entirely in the hands of the attorney general of the province of Ontario, without any knowledge of the matter on my part. I have the papers here but I shall refrain from discussing the matter, because it is before the courts.

Mr. H.A. MULLINS (Marquette): Mr.Speaker, a few weeks ago I had the privilege of visiting Kingston penitentiary and looking into conditions existing there. The report given by the Minister of Justice (Mr.Guthrie) is as I found it. I entered that institution and found nothing about which I could complain. On my visit I was accompanied by one of the leading ministers of the city of Toronto,

all point out certain matters of reform which, as I said, are still under consideration. They all refer to the question of segregation; they all deal with the question of parole and the appointment of a parole board, either within the penitentiary staff in each institution or in some other way. There are several common suggestions in all the reports I have received, but the tenor of all has been very satisfactory from the view of the department and the staffs of the penitentiaries.

Mr.MEIGH: Would the minister take just one moment to deal with the statement that is being quite seditiously circulated in certain circles, that the government gave instructions to shoot Tim Healy.

Mr. GUTHRIE: I cannot speak on that question because it is a matter which is under investigation by the coroner in Toronto. This I will say, however; I knew nothing of it and heard nothing of it until I read about it in the Ottawa Citizen a few mornings ago. The matter is entirely in the hands of the attorney general of the province of Ontario, without any knowledge of the matter on my part. I have the papers here but I shall refrain from discussing the matter, because it is before the coroner.

Mr. H.A. MULLINS (Marquette): Mr.Speaker, a few weeks ago I had the privilege of visiting Kingston penitentiary and looking into conditions existing there. The report given by the Minister of Justice (Mr.Guthrie) is as I found it. I enquired that institution and found nothing about which I could complain. On my visit I was accompanied by one of the leading ministers of the city of Toronto,

the Rev. W.A. Cameron. When we entered the institution I said this to him, "Let the chips fall where they may: we will hide nothing, and we will find out all that is going on inside this penitentiary." I went in with purely humanitarian feelings on behalf of the men. I filled my pockets with cigars which I intended to give the prisoners, but after reading the sign inside the gates to the effect that if I distributed my cigars I would have to remain inside for a period of one year and pay $100 fine, I refrained from handing them out.

The picture as I entered the gates in the company of this reverend gentleman was this: Fifty or sixty of the prisoners were in the yard playing softball. They were as fine looking young men as any man would want to look at. May I add that I was very much surprised when I saw such fine men in penitentiary, when I looked at the young men who are incarcerated there, men of the type who should be good Canadian citizens.

There has been some criticism hurled at this government suggesting that it has been guilty of certain irregularities, so far as this particular institution is concerned. So far as I could ascertain these accusations are absolutely unfair, and I could not see evidence of any irregularity or breaches of regulations as provided such as have been set out in the Toronto Globe and in the book printed by Doctor Withrow. I do not know the object behind the writing of the book, but it seems to me that the author wanted to pin the alleged unfair treatment upon this government. I went through the commissary department to find out what

I went in with purely humanitarian feelings on behalf of the men. I filled my pockets with cigars which I intended to give the prisoners, but after reading the signs inside the gates to the effect that if I distributed my cigars I would have to remain inside for a period of one year and pay $100 fine, I refrained from handing them out.

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There has been some criticism heard at this government for as this particular institution is concerned. So far as I [illegible] tions as provided such as have been set out in the Toronto Globe [illegible] that Dalton the writing of the book, and it seems to me that the author-[illegible] said. I want through the penitentiary to see for myself.

kind of food the prisoners were getting, and was fortunate enough to be there at meal time. The men walked in, cafeteria style. Stopping one of the prisoners I said, "Let me look at your dish." He was carrying an aluminum plate divided into four parts, in one corner of which he had some very good looking vegetables, in another corner potatoes, in another six or eight prunes and in the fourth a liberal serving of roast beef. In addition to that he had a large currant bun. Then, on top of that he had three ears of corn, and a mug of tea, I said to my friend, "It looks as though they are well fed; surely that is a liberal meal."

May I add that the meal I saw at Kingston penitentiary was more liberal than the one I had seen in Duke Street gaol in Glasgow.

Mr.VALLANCE: You have been there, eh?

Mr.MULLINS: I happened to visit that Scotch gaol on one occasion some years ago when I was visiting Glasgow, and I saw the prisoners fed on bread and water. I saw them picking oakum. Then, I saw prisoners in Pentonville prison where they were working on the treadmill. When I walked into Kingston and saw how the prisoners were living I was convinced that they were treated much better than were the prisoners in old country gaols.

Commencing my trip through Kingston penitentiary, I said to the warden, "I want to see what I want to see, not what you want to show me," and for that purpose I had a list made out. First I went into the supply kitchen and viewed the food supply. With one exception it was the very best, and concerning that exception I came back and complained to the minister with the result that I

to be there at meal time. The men walked in, cafeteria style. Stopping one of the prisoners I said, "Let me look at your dish." He was carrying an aluminum plate divided into four parts, in one corner of which he had some very good looking vegetables, in another corner potatoes, in another six or eight prunes and in the fourth a liberal serving of roast beef. In addition to that he had a large currant bun. Then, on top of that he had three cans of corn, and a mug of tea, I said to my friend, "It looks as though they are well fed; surely that is a liberal meal."

May I add that the meal I saw at Kingston penitentiary was more liberal than the one I had seen in Duke Street gaol in Glasgow.

Mr.WILLIAMSON: You have been there, eh?

Mr.MUTLINS: I happened to visit that Scotch gaol on one occasion some years ago when I was visiting Glasgow, and I saw the prisoners fed on bread and water. I saw them picking oakum. Then, I had prisoners in Dorchester gaol when I was serving in the treadmill. When I walked into Kingston and saw how the prisoners were living I was convinced that they were treated much better than even the prisoners in full remand gaols.

Interrupting my trip through Canada, I was in the states, "I want to see what I want to see, not what you want to show me," and everywhere I was in full view. I saw I was and how the supply situation affecting the food supply. With one exception, it was the very best, the conversation I had with the supplying in the kitchen with one inmate that I

believe he has since remedied the condition. I looked into the conditions in which the men were living in their cells, and I found them just as the minister has explained, - comfortable quarters. If some hon. members in this house had pioneered out in the west they would have had to live under tougher conditions than do those inmates of Kingston penitentiary.

As the minister has stated, in the cells there are wash basins, lavatories, and a bed with a comfortable spring mattess leaning up against the wall. It was much better than the condition in Fentonville prison where the prisoners had to lie on boards with only small blocks for pillows which they put under their heads. I must say however that the men in Kingston were comfortable and they had warm blankets. They had books on their shelves, and had access to the library from which they could get any book or magazine desired.

I was very anxious to see this hole we hear so much talk about, to which reference is made in the Toronto Globe and about which so much is said in Dr. Withrow's book, and I found it below the officers quarters. I asked, "Where is the paddle? Get the paddle until I see what it is like." I do not know what the hon. member for Kingston city (Mr.Ross) has in his hand; I do not know whether it has three cornered or round holes in it. The one I saw had round holes. I said to the guard, "If you wanted to administer this instrument a little strenuously, or if you had a grudge against a prison you could give it to him to a degree a little stronger than tapping." The guard I interviewed said he had administered this strap for fifteen years. I said, "You should know something about it; show me the one that has the square holes." I was

believe he has since remedied the condition. I looked into the cell(?)ses in which the men were living in early 1915, and I found them just as the minister has explained, - comfortable quarters. If some hon. members in this house had pioneered out in the west they would have had to live under [illegible] in the inmates of Kingston penitentiary.

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referring to the one about which there is so much talk in the Toronto papers and in Doctor Withrow's book. I said, "I want to see the one that has diamond shaped holes." His reply was, "We never use that; this is the paddle that we have used here." Then he got the other instrument called the cat-o'-nine-tails,- but what a difference between the one I saw in Pentonville prison and the one shown to me in Kingston. The one I saw in the Kingston penitentiary was made of a few strips of soft rope which had no knots in them, and it did not look as if it would inflict great injury upon or hurt any man very badly. In the hole where they gave prisoners the paddle there was a table similar to the bench in front of me. The process was described to me as follows: They placed the man's feet in position and strapped them, then they put his hands in position and administered the paddle about which the hon. member for Kingston city has spoken. It did not look to me as though it would hurt badly. I cannot agree with the statements made by Doctor Withrow or the Toronto Globe. I did see in the hole something which I did not like, and upon my return home I reported the condition to the Minister of Justice. There was a man there who was criminally insane, and I agreed with Mr.Cameron that he should be moved. I understand from the minister that that man was moved to Guelph and is now being taken care of under different conditions. I went through all the shops and interviewed many prisoners. I came across one prisoner whom I had known in Manitoba as a school teacher in the northern part of the province. I asked him what the conditions were. I said to him, "I knew you when you were a school

referring to the one about which there is so much talk in the Toronto papers and in Doctor Withrow's book. I said, "I want to see the one that has diamond shaped holes." His reply was, "We never use that; this is the paddle that we have used here." Then he got the other instrument which was a-a-a-a-a-, but was a difference between the one I saw in Kingsville prison and the one shown to me in Kingston. The one I saw in the Kingsville prison was made of a few strips of soft rope which had no knots in them, and it did not hurt so far as I could judge from what I saw of it, very badly. In the hole where they gave prisoners the paddle there was a lady sitting by the hole in charge of it. The process was described to me as follows: They placed the man's feet in position and strapped them, then they put his hands in position and sanitized the paddle about which the hon. member for Kingston city has spoken. It did not look to me as though it would hurt badly. I cannot agree with the statements made by Doctor Withrow or the Toronto Globe. I did see in the hole something which I did not like, and upon my return home I reported the condition to the Minister of Justice. There was a man there who was criminally insane, and I agreed with Mr.Cameron that he should be moved. I understand from the minister that that man was moved to Guelph and is now being taken care of under different conditions. I went through all the cells in the Kingsville prison. I saw prisoners in the prisoners' cells. I was there in January or in the northern part of the province. I also did not see the Alline case. I said to him, "I know you when you were a school boy

teacher in Manitoba. What are you doing here? "Insanity," he said. "What do you mean by insanity," I asked, and he replied, "I forged four cheques in Winnipeg and then four more in Toronto and I was insane for doing it. I have ten years to put in here."

I interviewed a good many of the prisoners and tried to find out what was wrong and they told me, even Norman Ryan himself, that conditions were all right now, that the boys had cigarette papers. I did not know anything about the riot, but I want to say to this house that I went there on behalf of the inmates, and intending if I saw anything wrong that I was going to try and get it put right by going to the minister or bringing it up in the house.

All the propaganda that has been carried on by this man Withrow in my opinion is absolutely unfair to the Minister of Justice or the previous government. After looking over that institution at Kingston as carefully as I could to see if anything could be done for the betterment of the men, I went over to the women's department like the hon. member for Southeast Grey (Miss Macphail) did, and I saw the women that were there. I had afternoon tea there. I saw the way they were living and how they were taken care of. I found one woman there that came from Manitoba and I thought I could find out from her if there was anything wrong. I sat down with her and said, "Tell me what is wrong here. What is there that we can remedy?" She said, "Nothing at all. Look in those cells and see what you find wrong there." I looked in those cells, and this was the sight I saw. A splendid bed, with a nice counterpane on it, a nice dresser with all the toilet requisites that a woman uses. I could not see anything there to complain about. There was nothing to complain

"Ladies in Gentlemen. What are you doing here? Disgraceful," he said. "Why do you even by insanity." I replied, and he replied, "I forgave four charges in Winnipeg and then four more in Toronto and I was insane for doing it. I have ten years to put in here."

I interviewed a good many of the prisoners and tried to find out what men among the they felt so, even through insanity, that conditions were all right now, that the boys had adequate lawyers. I did not know anything about the riot, but I want to say to this house that I was sorry to hear of the losses, and something if I can anything about that I had going to try to get it and right to going to the minister or bringing it up in the house.

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about in the food; it was the very best. I left that institution with my friend, whom most of you know, one of the most outstanding preachers in the city of Toronto, the Reverend W.A. Cameron, and I said, "Mr.Cameron, I cannot see much to complain about in this institution except that one case, and I am going to remedy it." I made a trip to Ottawa and I interviewed the minister, and that case was looked after.

Leaving Kingston penitentiary and coming to the province of Manitoba, while I was addressing a meeting in Winnipeg one day I said to the warden of Stony Mountain penitentiary, "I wan t to see your institution." He said, "when will you come?" I said, "I will come to-day." He said, "No, to-morrow." I said, "No, you are not going to do any window dressing for me. I want to see what is wrong with the institution." I motored out that afternoon to the penitentiary and I spent from one o'clock until seven looking over that institution very carefully. I could not see anything there that enlisted my sympathy except one poor chap that was lying very ill on a cot. I brought his case to the minister's attention and he moved right away to release him, but unfortunately the poor chap died before he was released. I also saw in that institution the cell in which a friend of mine who had lived in the city of Winnipeg had just passed away. I was aware that we would have been criticized if we had tried to get him out because it would then have been said from all corners of this house that there is one law for the rich and one law for the poor. I saw the cell that man died in,a man I had known in the city of Winnipeg for close to half a century. Looking carefully through that institution I could not see anything wrong to report. I am not discussing this question from the point of view of party politics at all. I went there to do what I could

about in the food; it was the very best. I left that institution with my friend, whom most of you know, one of the most outstanding preachers in the city of Toronto, the Reverend W.A. Cameron, and I said, "Mr.Cameron, I can't see much to complain about in this institution except your name, and I'm going to complain about it." I made a trip to Ottawa and I interviewed the minister, and that case was looked after.

Leaving Kingston penitentiary and coming to the province of Manitoba, while I was addressing a meeting in Winnipeg one day I said to the warden of Stony Mountain penitentiary, "I want to see your institution." He said, "When will you come?" I said, "I will come to-day." He said, "No, to-morrow." I said, "No, you are not going to do any window dressing for me. I want to see what is wrong with the institution." I went out and that afternoon in the penitentiary and I spent from one o'clock until seven looking over that institution very carefully. I could not see anything there that equalled my experiby except one poor chap that was lying very ill on a cot. I brought his case to the minister's attention and he moved that man to some place, for unfortunately the poor boy died before he was released. I also saw in that institution the cell in which a friend of mine who had lived in the city of Winnipeg had just passed away. I was aware that we would have been criticized if we had tried to put the cell through it would have been only from all accounts of this person who lived in one law for the rich and one law for the poor. I saw the cell that man died in, a man I had known in the city of Winnipeg for close to half a century. Looking carefully through that institution I could not see anything wrong to point. I as my friend, this question: Was the prisoner at risk of being polluted at all. I went there to do what I could

on behalf of the men, to see if there was anything wrong that could be remedied. There was nothing whatever. I can say emphatically to this house and the country that the institutions I visited are administered under the very best conditions.

I would, however, say to the Minister of Justice, and here I agree with the hon. member for Southeast Grey, that a little more money should be given to these men when they come out of the institution. Ten dollars is a very small amount.

Miss MACPHAIL: It is five dollars.

Mr. MULLINS: The hon. member says five dollars, but I understand it is ten dollars. I understood from one prisoner that he got ten dollars, but that is a small amount for a man to start out with after being in there for a number of years, and I think a little more money should be given them until they become established and find a position.

There is another matter I wanted to mention. After visiting the institution at Kingston a man telephoned me one day and said, "I would like to see you. Is it possible to have an interview with you?" I said, "Yes, I will meet you." I did not know what his business was; he did not tell me, and I did not know what he wanted. I met him on Bay street in the city of Toronto. I did not know at that time that I was sitting in a room with the worst criminal that had been in penitentiary. He came to me with his story. He said, "You were down through Kingston. I have just been released." I asked him, "What were you there for?" He said, "Manslaughter". I asked him, "What did you do? Where did this happen?" He replied, "I had been out to a press meeting and had taken some liquor. I was driving a car and killed a woman, and I was sent to Kingston

on behalf of the hon. to see if there was anything wrong that could be remedied. There was nothing whatever. I can say emphatically to this House and the country that the institutions I visited are admirably managed by the very best authorities.

I would, however, say to the Minister of Justice, and here I agree with the hon. member for Southeast Grey, that a little more money should be given to some of the institutions for the institution. Ten dollars is a very small amount.

Miss MACPHAIL: It is five dollars.

Mr. MULLOCK: The hon. member says five dollars. But I understand it is ten dollars. I understood from one prisoner that he got ten dollars, but that is a small amount for a man to come out with after being in there for a number of years, and I think a little more money should be given them until they become productive and find a position.

There is another matter I believe in connection. After visiting the institutions at Kingston a man came towards me and said, "I would like to see you. Is it possible to have an interview with you?" I said, "Yes, I will meet you." I did not know what his business was, so he met me and I let him know that I was a member. I met him on the street in the city of Kingston. He said, "Do you know that that I was arrested on a charge and was found guilty and have been in penitentiary. He said, "I am sorry. Do you know, I was very downtrodden. I have just been released." I said, "What was you there for?" He said, "Manslaughter". I said, "Tell me how it was." He said, "Well, I had been out to a press meeting and had taken some liquor. I was driving a car and killed a woman, and I was tried for manslaughter

for three years." That was a deliberate lie, absolutely. He said that he had worked on several newspapers in the city of Winnipeg, on the Tribune, for one, and he enlisted my sympathy. I felt for him. He said that he had walked that morning from Parkdale down to Bay street and that he hadn't a five-cent piece. I said, "Can't you get a position?" I told him that I would try and get him a position somewhere in the city of Toronto. He said, "I cannot get a position because I have to tell every bonding company where I have been for the last two years, and immediately I tell them I have no chance at all - I have just come from the T. Eaton Company and they have refused to give me a position." I felt very sorry for him. My sympathies were enlisted, and I said, "I am the director of a bonding company and probably I can help you out if the circumstances are as you say." When I arrived in Ottawa I went to the department and told them that I thought it was bad to have detectives shadowing these poor chaps when they came out of the penitentiaries. This man told me that when released from the penitentiary he had been given ten dollars and a suit of clothes. He stated that there was not a detective from the Atlantic to the Pacific who would not recognize the suit of clothes he was given. I told him that he must be wrong because I had looked at the clothing being made in Kingston and could not find any distinguishing marks. I asked him how a detective would recognize the suit and he told me that the breast-pocket was put on the right-hand instead of the left-hand side. This was a deliberate lie. I told him that I had not looked close enough to find that out, but later on in Stony Mountain I asked the man who was cutting the clothing where he put the breast pocket. He told me that it was always put on the left-hand

He said that he had walked that morning from Parkdale down to Bay street and that he hadn't a five-cent piece. I said, "Can't you get a position?" I told him that I would try and get him a position somewhere in the city of Toronto. He said, "I cannot get a position because I have to tell every hotelkeeper where I have been for the last two years, and immediately I tell them I have no chance at all - I have just come from the T. Eaton Company and they have refused to give me a position." I felt very sorry for him. My sympathies were enlisted, and I said, "I am the [illegible] of a [illegible] company and probably I can help you out if the circumstances are as you say." When I arrived in Ottawa I went to the department and told them that I thought it was bad to have detectives masquerading these poor chaps when they come out of the penitentiaries. This man told me that when released from the penitentiary he had been given ten dollars and a suit of clothes. He proved that there was not a detective from the Atlantic to the Pacific who would not recognize the suit of clothes he was given. I told him that he must be wrong because I had looked at the clothing being made in Kingston and could not find any distinguishing marks. I said, "Why, my dear man, you are talking like a [illegible]." I said to him that he had the [illegible] [illegible] on the "[illegible]" [illegible] of the left-hand side. This was a [illegible] lie. I told the boy I was not [illegible] as [illegible] to find that out, but later on in Stony Mountain I asked the man who was putting the clothing where he put the [illegible] [illegible]. He told me that it was [illegible] on the [illegible]

side. I asked him if this was always done, and he said it was. He told me he had been there for five years and before that had been located in Kingston as a cutter. This former inmate told me that he had sold his suit of clothes in Kingston for a mere pittance. He told me of other conditions which existed, of how he got in things from the outside and so on. I gave him all the money I had in my pocket, but he had told me a deliberate lie. This was his system. I was informed in the department that there were eighteen convictions against this man. When I found out that his story was a lie, my confidence was shaken. I have nothing but kindly feelings for the men in the institutions and I want to be of as much service as I possibly can.

Mr. BENNETT: Does the hon. gentleman know that that is the same person who supplied information to Campbell whose articles appeared in Maclean's?

Mr. MULLINS: Perhaps he is. I know I interviewed a magazine in Toronto where this chap had been trying to sell some articles, but he was turned down. I admit I was deceived. I felt very sympathetic towards him bedause he said he came from the city of Winnipeg and had been a reporter on the Telegram, an old Conservative paper which we used to have out there. He stated that he had later been on the Tribune, but I found out later that he had not been connected with either of these papers.

I think that many of the attacks which have been hurled at the minister have been instigated by this type of man. I do not know anything about the brokers about whom we have heard but if they are these chaps who put out watered stock and floated companies, I would not like to see them. Many of us here have had something

aide. I asked him if this was always done, and he said it was. He told me he had been there for five years and before that had been located in Kingston as a cutter. This former inmate told me that he had sold his well of alcohol in Toronto for a very alliance. He told me of other conditions which existed, of how he got in things from the outside and so on. I gave him all the money I had in my pocket, but he in[illegible] him. This was his [illegible] way. I was interest[illegible] and there were allegations been convictions against this man. When I found out that his story was a lie, he [illegible] me [illegible] I was willing but [illegible] fulfilling the [illegible] I [illegible] by the of [illegible] much service as I possibly can.

Mr. [illegible]: [illegible]

Mr. [illegible]: [illegible]

in Toronto where this snap had been trying to sell some articles, [illegible] was turned down. I admit I was deceived. I felt very sympathetic towards him because he said he came from the city of Winnipeg and had been a reporter on the Telegram, an old Conservative paper which we used to have out there. He stated that he had [illegible] on the Telegram, that I found out later that he had not been connected with either of those papers.

I think that many of the attacks which have been [illegible] against ministers have been instigated by some type of man. I do not know anything about the [illegible] but I know [illegible] I would not like to [illegible] in my [illegible]. [illegible] [illegible]

to do with watered stock and our sympathies would not go out to those chaps. I knew some of them and I was sorry to see them sent there, but if they were treated in the manner stated by the hon. member for Kingston (Mr.Ross) I do not think there can be any complaint. Perhaps I would have treated them a little more harshly.

When I went to Kingston the warden told me he was glad to see me and that outside of the hon. member for Kingston, I was the only member of parliament who had been there since he had been appointed. Hon. members should go to Kingston to look into these things themselves. I think they will find that everything possible is being done for the men who are there. I visited both institutions with an absolutely open mind and if I had found anything detrimental to the inmates I would have brought it up on the floor of this house.

be do with watered stock and our sympathies would not go out to them again. I have done so then and I am ready to see them back there, but if they were treated in the manner stated by the man, member for Kingston (Mr.Ross) I do not think there can be any complaint. Perhaps I would have treated them a little more kindly.

When I went to Kingston the warden told me he was glad to see me and that outside of the bar, member for Kingston, I was the only member of parliament who had been there since he had been appointed. Members should go to Kingston to look into these things themselves. I think they will find that everything possible is being done for the men who are there. I visited both institutions with an absolutely open mind and if I had found anything detrimental to the interests I would have brought it up on the floor of this house.

February 22, 1934.
VOLUME I

HOUSE OF COMMONS DEBATES

New Westminster Penitentiary Supply Purchases.

Mr. REID:

1. Were tenders called for supplies for the penitentiary at New Westminster during the year 1933?
2. If so, for what supplies?
3. What firms submitted tenders?
4. Who were the successful tenderers?
5. Are any supplies purchased without tenders being called for.
6. If so, what articles are so purchased and from firms?

Mr. GUTHRIE: Return tabled herewith.

Hearing No. 1944.
Volume 1

New Westminster Penitentiary supply Investigation.

Mr. WALD:

1. Were tenders called for supplies for the penitentiary at New Westminster during the year 1924?
2. If so, for what supplies?
3. What firms submitted tenders?
4. Who were the successful tenderers?
5. Are any supplies purchased without tenders being called for.
6. If so, what articles are so purchased and from firms?

Mr. GUTHRIE: Return called herewith.

~~#47~~
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HOUSE OF COMMONS DEBATES.

VOL. 111.

April 30,1934. PENITENTIARY RIOTS-COUNSEL ENGAGED.

Mr. Mitchell:

1. What counsel were employed to prosecute the offenders in the penitentiary riots at St, Vincent de Paul, Kingston and Dorchester?
2. Were they appointed by the federal or provincial governments?
3. Who paid their expenses?
4. What was the total amount received by each counsel?

Mr. Guthrie:

1. St. Vincent de Paul -J.E.C.Bumbray, LL.B. in the preliminary proceedings, and in association with the local Crown Prosecutor at the trials.

Kingston- J.Keiller MacKay, LL.B., in preliminary proceedings and certain of the trials. The local Crown Prosecutor at the remainder of the trials.

Dorchester-E.C.Weyman in the preliminary proceedings, and in association with the local Croen Prosecutor at the trials.

2. Mr. Bumbray, Mr. MacKay and Mr. Weyman were appointed by the federal government, Mr. MacKay was appointed by the provincial government for certain of the trials.

3. The expenses of Mr. Bumbray, Mr. MacKay and Mr. Weyman were paid by the federal government, except such as were paid to Mr. MacKay by the province.

4. Paid by the dominion-J.E.C.Bumbray, LL.B., $,956.09; J.Keiller MacKay, LL.B., $3,109.85; E.C.Weyman $1.736. No information as to amounts paid by provinces.

[illegible]

VOL. III.

[illegible] - [illegible]

Mr. Mitchell:

1. What counsel were employed to prosecute the offenders in the preliminary trial at St. Vincent, on Trans, Saturday and Dorchester?
2. Were they appointed or the issued on prelimin[illegible]
3. Who paid their emoluments?
4. What was the total amount received by each counsel?

Mr. Guthrie:

1. St. Vincent de Paul -J.E.C.Dunkley, LL.B. in the preliminary proceedings, and in association with the local Crown Prosecutor at the trials.

Charles - J.Philip Vaughn, LL.B. in preliminary proceedings and certain of the trials. The local Crown Prosecutor at the remainder of the trials.

Dorchester-E.C.Wyman in the preliminary proceedings, and in association with the local Crown Prosecutor at the trials.

2. Mr. Bunbury, Mr. Mackey and Mr. Wyman were appointed by the federal government, Mr. Mackey was appointed by the provincial government for certain of the trials.

3. The expenses of Mr. Bunbury, Mr. Mackey and Mr. Wyman were paid by the federal government, except much as were paid to Mr. Mackey by the province.

4. Paid by the dominion-J.E.C.Dunkley, LL.B., $3,360.00; J.Miller Mackey, LL.B., $4,100.88; E.C.Wyman $1,756. No information as to amounts paid by provinces.

p.8.

HOUSE OF COMMONS DEBATES.

VOL. 111.

May 18,1934. KINGSTON PENITENTIARY FIRE.

On the orders of the day:

Mr. P.F.Casgrain (Charlevoix-Montmorency): May I ask the Prime Minister in the absence of the Minister of Justice if he is in a position to give any information to the house with reference to the fire that took place and also the outbreak at Kingston penitentiary?

Right Hon.R.B.Bennett (Prime Minister): I would not care to say more in the absence of the Minister of Justice than that there was an outbreak of fire which did substantial damage. No prisoners escaped. The fire has been completely extinguished and the buildings that have been destroyed will be rebuilt.

JUNE 18, 1934.

PENITENTIARIES.

Amount required for cost of administration, construction, purchase of land, supplies and equipment, maintenance and discharge of inmates at Kingston, St. Vincent de Paul, Dorchester, Manitoba, British Columbia, Piers Island, Saskatchewan and Collin's Bay penitentiaries, $2,833,850.

Mr. Bennett: The Minister of Justice undertook that penitentiaries would not be discussed until the hon. member for Kingston City and the hon. member for Southeast Grey were in their places. However, item 289 deals with penitentiaries and can be made the basis of any discussion which may be desired with respect to this matter. We could undertake to debate this on Friday in order to give the two hon. members an opportunity to be present.

Mr. Reid: I should like to know if the department has given any attention to the question of hours in the penitentiaries. The minister will remember that I brought up this matter last year.

Mr. Guthrie: I have a report on that matter but I do not have it before me this evening. When the other itiem is called I will give my hon. friend the information he desires.

Item agreed to.

Mr. Mackenzie (Vancouver): Would it be possible to set a definite day for the discussion of pensions?

Mr. Bennett: We are ready to accommodate ourselves to any day the hon. gentleman suggests. It was my purpose to take up the insurance bills on Wednesday.

Mr. Mackenzie: Would Thursday be all right?

Mr. Bennett: I see no reason why it should not.

Mr. Ralston: It will not be before Thursday?

Mr. Bennett: Nor before Thursday. (pp 4075)

PENITENTIARIES.

Amount required for cost of maintenance, improvements, purchase of land, supplies and equipment, maintenance and discharge of inmates at Kingston, &c. Tickets de Vaud, Hyderabad, Waldemar, British Columbia, Nova Scotia, Headquarters and Quality for penitentiaries, $2,000,000.

Mr. Bennett: The minister of justice mentions that penitentiaries would not be discussed until the hon. member for Kingsway City and the hon. member for Richmond Town were in their places. However, item 800 deals with penitentiaries and may be made the basis of any discussion which may be desired with respect to this matter. We could undertake to debate this on Friday in order to give the two hon. members an opportunity to be present.

Mr. Reid: I should like to know if the department has given any attention to the question of horse in the penitentiaries. The minister will remember that I brought up this matter last year.

Mr. Guthrie: I have a report on that matter but I do not have it before me this evening. When the other item is called I will give my hon. friend the information he desires.

Item agreed to.

Mr. Armstrong (Lambton): Would it be possible to set a definite day for the discussion of penitentiaries?

Mr. Bennett: We are ready to accommodate everybody in any thing the hon. gentleman suggests. It was my purpose to take up the insurance bills on Wednesday.

Mr. Mackenzie: Would Thursday be just right?

Mr. Bennett: I see no reason why it should not.

Mr. Ralston: It will not be before Thursday?

Mr. Bennett: Not before Thursday.

(pp 4079)

SUPPLY.----------DEPARTMENT OF JUSTICE.

Penitentiaries--Amount required to carry out agreement between His Majesty and the municipality of the village of St. Vincent de Paul for extension of the present water and sewer system connected with St. Vincent de Paul penitentiary, $3,000.

Mr. Reid: The Minister of Justice stated that when the estimates came up again he would have a report in connection with the hours of labour worked in the penitentiaries. I wonder if he has the statement now.

Hon. Hugh Guthrie: Yes, I have a memorandum in regard to the hours of labour of guards.

Under the present arrangement in all penitentiaries there are three shifts of guards of two as formerly. The time of the various shifts is as follows: The first shift is on from 7 a.m. to 6.15 p.m. Another shift comes on at 12 midnight and remains on duty until 8.30 a.m. These are now known under present penitentiary regulations as the night watch, the morning watch, and day duty. It will be observed that day duty, from 7 a.m. to 6.15 p.m. is the long shift.

Mr. Reid: Has that been put into effect in all the penitentiaries and if so how many extra men have been put on the payroll?

Mr. Guthrie: It is now in effect in British Columbia, in Saskatchewan, at the Kingston penitentiaries and at Dorchester; and arrangements are now being made for Stoney Mountain and St. Vincent de Paul.

Mr. Reid: Did it necessitate the addition of any further employees?

Thxxxx

[illegible]

[illegible]

[illegible]

Mr. Guthrie: Throughout all penitentiaries it will require sixty-six additinnal guards.

Mr. Mercier (St Henri): Would the minister give some particulars regarding this item of $3,000?

Mr. Guthrie: This item is for the purpose of enabling us to construct an extension of a water main in the village of St. Vincent de Paul in connection with the penitentiary there. Part of the village of St. Vincent de Paul is on the penitentiary reserve. For a considerable number of years residents of that village have under agreement been entitled to take water from the water mains, paying a reasonable rental for the service. Now it is proposed to extend that water main along another street in the village, and an agreement has been entered into that the residents on that street shall pay a rental for the water. The cost of the work is $3,000, and the rental to be received will make it a reasonable good investment.

Mr. Reid: Has the minister any information regarding Piers island, how many Doukhobors are there now and what it costs?

Mr. Guthrie: The total cost of the Piers island penitentiary was:

For the year 1932-33..... $170,783 82
For the year 1933-34..... 170, 461 78

The number of prisoners confined in this prison at the present time is 570.

Mr. MacInnis: Referring again to the hours of work in the penitentiary, if I heard the minister aright he said they are now having three shifts instead of two, but I notice that the day shift is still eleven hours and fifteen minutes. Could the minister tell us why the day shift is so long in view of the fact that they

Mr. Gourlay: Particularly considering it was primary elections.

Mr. Morelor (St Henri): Would the minister give some particulars regarding this item of $5,000?

Mr. Gouzie: This item is for the purpose of enabling work construct an extension of a water main in the village of St. Vincent de Paul in connection with the Sanatorium there. Much of the village of St. Vincent de Paul is on the Sanatorium reserve. The considerable number of year residents of that village have agreement that entitles us to take water in lieu, paying a proportion towards the supply. The fly is because it is proposed that water main along another street in the village, and an agreement has been entered into that the residents so that shall pay a rental for the water. The cost of the work is $5,000, and the amount to be assessed will be [illegible] [illegible] interest.

Mr. Gray: Are the inspectors [illegible] [illegible] How many Dunkinbers are there now and what is costs?

Mr. Gouzie: The total cost of the Ile Jésus island penitentiary was:

For the year 1952-53..... $[illegible],753 88
For the year 1953-54..... $70, 411 7[illegible]

The number of prisoners confined in this prison at the present time is 370.

Mr. Bassinski: Referring again to the hours of work in the penitentiary, if I heard the minister aright he said they are now having three shifts instead of two, but I notice that the day shift is still eleven hours and fifteen minutes. Could the minister tell us why the day shift is so long in view of the fact that they

Mr. MacInnis:

have three shifts?

Mr. Guthrie: There are more guards on the day shift than on the night shift. The reason for that is that the men are out at work and the guards have to be with them in the various departments, and then they have to be there at seven in the morning for the opening of the cells and the serving of breakfast, and are kept on until supper has been served in the evening and the cells finally locked for the night. The shift that comes on at 4.30 in the afternoon assists the day shift until 6.15 and continues on until 1 a.m. So far the arrangement has proved very satisfactory from every standpoint, and I believe the guards themselves approve of it.

Mr. MacInnis: I wonder if the minister could say if the full day staff works the eleven hour shift.

Mr. Guthrie: All on the day shift are supposed to work all day, and all on the other shifts are supposed to be on duty during the hours I have mentioned. There is supposed to be work for all.

Mr. MacInnis: I was wondering whether, because of the overlapping of some of the staffs, it might be possible that they were not all working, that some of them might get off earlier.

Miss Macphail: I would ask the minister if he would care to give the house a statement concerning the death of Sam Behan. I should like to know if convict Behan, who died recently, was paddled a few days previous to his death. I should like to know whether he was suffering from a heart condition and was under the doctor's care, and whether he had been given stimulants for some ten days before his death.

Mr. Guthrie: The late convict Behan was a life prisoner who had a very long criminal record. Originally he was confined in the St. Vincent de Paul penitentiary; he was considered of that class of

Mr. Guthrie:

prisoners who are rather dangerous, and that prison was not considered strong enough to restrain him if the made an attempt to escape. Consequently he was transferred to Kingston in the summer or spring of 1932. In the beginning of May--if my memory serves me, on May 3 last--he created a disturbance in his cell in Kingston penitentiary of rather a noisy character. He smashed all the furniture in his cell, including his wash basin, dishes and the like, and turned on the water, flooding the cell. Some days later he was tried at the warden's court and awarded punishment, to consist of twenty strokes with a leather strap. On May 14 the punish ment was carried out in the presence of the doctor, the warden and other officials, but only four strokes of the strap were administered. He asked to be relieved of the other strokes, and the warden granted his request. He thanked the warden and said that was the only good break he had ever had since coming to the institution. The other sixteen strokes were suspended; in that case they would not be administered unless the conduct of the prisoner in the future warranted it.

On May 26, early in the morning, it was reported in the office by one of the guards that Behan was complaining of being sick; that would be some time between six and seven o'clodk in the morning. To keep myself accurate perhaps I might read some of the statement made at an inquest which was held into the death of convict Behan. The first statement I will read is that of keeper Robinson, who was questioned by the Crown attorney. He said:

Q. I understand you were on duty this morning when your attention was attracted to this prisoner?
A. Yes, sir.
Q. What hour would that be?
A. I would judge it would be between 6.30 and--
Q. Between six and seven?
A. Yes, sir.

prisoners who are rather dangerous, and that prison was not con-
sidered strong enough to restrain him if he made an attempt to
escape. Incidentally he was interrogated in Tiberius in the summer
of spring of 1928. In the beginning of May--if my memory serves me,
on May 3 last--he created a disturbance in his cell in Kingston
penitentiary of rather a noisy character. He smashed all the furni-
ture in his cell, including his bed, throwing the slats, and
throwing the pieces, fixtures and all, through the bars in the
front at the guards. He was subsequently, he admitted to
many strokes with a leather strap. On May 14 the punish meet
was carried out in the presence of the doctor, the warden and
other officials, but only four strokes of the strap were admin-
istered. He then he is delivered to the prison hospital, and the
warden granted his request. He thanked the warden and said that
was the only good break he had ever had since coming to the in-
stitution. The prison authorities argued that they considered
they would not be administered unless the conduct of the prisoner
in the future warranted it.

In May 24, early in the morning, it was discovered in his
cell by one of the guards that Brown was complaining of being
sick; that could be seen his bowels already have failen in the
morning. In deep grief accurate opinion I might said that his
statement made at an inquest which was held into the death of Bro-
ther Dubs. The first witness I will call is that of George
Robinson, who was questioned by the Crown Attorney. He said:

Q. I understand you were on duty this morning when your attention was
attracted to this prisoner?
A. Yes, sir.
Q. Will you speak loud, sir?
A. I might judge it could be between five and
Q. Between six and seven?
A. Yes, sir.

Mr. Guthrie:

Q. How long had you been on duty there?
A. From 12.30 in the evening.
Q. How was your attention attracted to the prisoner?
A. By the grating of a cup by one of the other inmates confined in the cells.
Q. Where were you at that time?
A. I was directly above, in the keepers' hall.
Q. Were you alone?
A. No, sir.
Q. What connection, if any, is there between the keepers' hall, and the cells in which this man was confined?
A. If I cam explain it in this way. Here is the keepers' hall and the cells are directly beneath the keepers' hall.
Q. How are they reached?
A. There is adoor attthis end. You go down for four or five stairs, and then turn to your left, and down to the cells.
Q. What kind of door guards the exit from the keepers' hall when you step out of it?
A. The keepers' hall door is a steel barrier, sir.
Q. There is a steel barrier separating the keepers' ahll from the outer world, through which you had to pass in going down to these cells?
A. Yes, sir.
Q. When you went out of the keepers' hall you passed through this steel barrier?
A. Yes, sir.
Q. Then you descended four or five steps?
A. Yes, sir.
Q. Then you turned to your left, and walked along--
A. You turn to your left, and go down three or four steps.
Q. Then what do you do?
A. Then there is a light wooden door.
Q. What is the name of those cells?
A. They are generally spoke of as P.C., keepers' hall. Punishment cells.
Q. Then we are to understand that there is a light wooden door leading to the punishment cells below the keepers' hall?
A. Yes, sir.
Q. Was that door closed when you reached there?
A. Yes, sir.
Q. And was there any other door except that wooden door on the punishment cells?
A. Inside, as you go through the wooden door, there is a barrier which screens this block off.
A. What do you mean by a barrier?
A. A steel gate, sir.
Q. So that we have a wooden door and beyond the wooden door there is a steel gate?
A. Yes, sir.
Q. And you attention was attracted, as you told us, by some noise that you heard. Was that first thing?
A. Yes, sir.
Q. Had you heard any previous noise?
A. No sir,
Q. What did you do upon hearing that noise?
A. I immediatley inspected, sir.

Mr. Guthrie:

Q. What did you do?
A. I left the keepers' hall. Perhaps I might explain, sir. On taking charge at 12.30, it is customary for the keeper and the officer in charge, the assistant officer, to make alternate visists to the P.C. for safety, and as regards the welfare of the inmates, the last hight, if I am not mistaken, we made nine visits from 12.30 to seven o'clock.
Q. What visits did you make yourself?
A. I was down and visited the P.C. at 12.40, 1.35, 2.15 and 6.30.
Q. The 6.30 visit, I surmise, being the one you made on hearing this noise?
A. No, sir. On my visit at 6.30 I was talking to convict Behan. He said, "Good morning, Keeper Robinson." I said, " Good morning, Behan." I said, "Its a little warmer this morning" and he said "yes, it is," and that's all that was said.
Q. And where were you when you were talking to him?
A. Directly in front of his cell.
Q. When you went in there, did you open this wooden door?
A. Yes, sir.
Q. Did you open the steel gate?
A. Yes, sir.
Q. And you went along the corridor?
A. Yes, sir.
Q. And when you say you were standing in fron t of the cell that Behan was in, where was that?
A. As we go through the steel gate, we go right down to the end of the corridor where the cells are, and there is an electric clock. There are five cells in that corridor, and the electric clock is down at the end. Behan was in the third cell as I went in through the door.
Q. Was he in the left hand tier of cells?
A. On the west side. That would be my right hand.
Q. He was in the third cell from the door that you entered?
A The steel gate.
Q. And there were five on each side?
A. There were five on this particular side.
Q. So that he was in the middle sell?
A. Yes, sir.
Q. And you say that when you went in and were talking to him, where were you?
A. Directly in front of his cell.
Q. Was he at that time lying down?
A. Yes sir, he was in bed.
Q. Was there any further conversation that occurred?
A. No, sir.
Q. And you fix that time as being 6.30?
A. I would say between 6.30 and 6.35.
Q. Did you have to punch any time clock?
A. Yes, sir.
Q. Did you consult the clock since to find the time that you were there, to check up your time?
A. The idea is this. The time that is registered there, or any time clock throughout the prisnn, goes on a sheet.

Cr. Guthrie:

Q. What did you do?
A. I turned the keepers' watch. Turning I might describe, sir, taking nearly at 12.30, it is necessary for one keeper to remain officer in charge, the assistant officer, to make alternate visits for the safety, and as required [illegible] the last night, if I am not mistaken, we made nine visits from 12.30 to seven o'clock.
Q. What visits did you make yourself?
A. I was down and visited the F.P. at 12.40, 1.00, 1.20, 3.20, 4.20, 5.20 visit, I mistake, [illegible] the subject.
A. Mr. Fitz. On my visit at 6.30 I was talking to convict Cohen.
He said, "Good morning, Keeper Dunlopson." I said, "Good morning, Cohen." I said, "It's a little warmer this morning" and he said "Yes, it is," and that's all that was said.
Q. And where were you when you were talking to him?
A. Directly in front of his cell.
Q. Then you went in there, did you [illegible]
A. Yes, sir.
Q. Did you open the steel door?
A. Yes, sir.
Q. And you went along the corridor?
A. Yes, sir.
Q. And where you say you were standing in your A.D. [illegible]
Cohen was in, where was that?
A. As we go through the usual gate, we go [illegible] corridor where the cells are, and there is an electric clock. There are five cells in that corridor, and [illegible] as the gate. Cohen was in the third cell as I went in through the door.
Q. Was he in the left hand door at [illegible]
A. On the west side. [illegible]
Q. So was in the third cell from the door you [illegible]
A The steel gate.
Q. And there were five on each side?
A. There were five on this particular side.
Q. So that he was in the middle cell?
A. Yes, sir.
Q. And you say that when you went in and were talking to him, where were you?
A. Directly in front of his cell.
Q. Was he at that time lying down?
A. Yes sir, he was in bed.
Q. Was there any further conversation that occurred?
A. No, sir.
Q. And you fix that time as being 6.30?
A. I would say between 6.30 and 6.35.
Q. Did you have to remove any item [illegible]
A. Yes, sir.
Q. Did you arrange the clock close [illegible]
[illegible] to check or [illegible]
A. The [illegible] sign. The time that is [illegible]
Look [illegible] the [illegible]

Mr. Guthrie:

Q. Do you mean to say that when you punched the clock there, it would not be recorded there but would be recorded some place else?
A. It is recorded on the clock, and likewise recorded on a sheet.
Q. Then did you examine the record on that clock to find out whether it was 6.30, or do you fix the time from you own recollection?
A. No, sir. I make it my business to go down there between 6.30 and 6.35 every morning, before I leave.
Q. But I am asking you, did you check the time against the clock, or did you not?
A. No, sir, I am positive.
Q. I don't understand you. Are you psitive that you did not check the time, or are you positive that it was 6.30, or what are you positive of?
A. I am positive that it was between 6.30 and 6.35 that I was in the hall downstairs.
Q. That is not based upon an inspection of the record, but it is based upon your recollection of the hour?
A. Yes, sir.
Q. Will you continue, please. You were lasttelling us of this conversation. Then where did you go?
A. After the conversation I went back to the keepers' hall.
Q. And I supoose in doing so you locked the steel gate and closed the outer door?
A. Yes, sir.
Q. And would you then be alone in the keepers' hall?
A. No, sir.
Q. Who else was there?
A. Keeper Donoghue, and, if I am not mistaken, keeper Nolan was there.
Q. You think they would be there when you returned from this visit to the cells?
A. Yes, sir.
Q. So that there were three of you there?
A. Yes, sir.
Q. Then how long after you heard this grating on the cup on the bars did you go back?
A. I went immediately, sir.
Q. About what time had elapsed since you had made your last visit?
A. I think about ten minutes from the time I had made my final visit until this grating was heard.
Q. And how long did it take you to go down to the cells?
A. A matter of a minute, sir.
Q. So you had been there ten minutes before?
A. Yes, sir.
Q. What did you find when you entered the cells this time?
A. As I entered the wooden door, one of the convicts said that Behan was sick.
Q. We are to understand that Behan was not the sole occupant of the cells?
A. No, there were three others on the east side.
Q. Was Behan the only one on the west side?
A. Yes, sir.
Q. And then you started to tellus that when you went in the door one of these--do you know which one it was?
A. No, sir, I couldnIt say for sure.
Q. That Behan was sick. They could hear him moaning.

June 25, 1934. (cont'd.)

Mr. Guthrie:

Q. He said that Behan was sick, and he also said they couldhear him moaning?
A. Yes, sir.
Q. Did you make any reply to that?
A. No, sir. I immediately went to Behan's cell.
Q. What did you find on arriving there?
A. Just as I have already stated, Behan was in bed, moaning, and he asked to see the doctor.
Q. And what did you do?
A. I immediately returned to the keepersI hall, and in this time the deputy warden had arrived. I would judge it would be about 6.30. I reported the same to the deputy warden.
Q. What about the other men that were in the keepers' hall before the deputy warden?
A. They were still there.
Q. Didn't you see them before you saw the deputy warden--
A. Yes, sir.
Q. Did you have any converstion with them?
A. I was speaking to them before I went down.
Q. What were you saying to them?
A. In connection with what, sir?
Q. In connection with what you saw downstairs?
A. I hadn't been down, sir. You misunderstand me.
Q. When you found Behan was in this condition in his cell, you told this jury thay you came back to the keepers' hall?
A. I did.
Q. Who did you find there?
A. The deputy warden had arrived in the keepers' hall.
Q. The intelligent answer would be that the deputy warden was there, together with the men whom you left there, wouldn't it?
A. Yes, sir.
Q. You found the deputy warden in addition to the guards in the keepers' hall when you returned?
A. Yes, sir.
Q. Then what happened?
A. I reported it to the deputy warden.
Q. What followed that?
A. The deputy warden asked to have the hospital overseer notified, and to report to the keepers' hall immediately.
Q. Was that done?
A. Yes, sir.
Q. Who came?
A. Overseer McConnell.
Q. Where was he summoned from, do you know?
A. From the prison hospital.
Q. That would be another wing of the same building?
A. After you go through the main dome in "A" corridor, it is on the west side of the main dome.
Q. It is all enclosed under the one roof, isn't it?
A. Practically, sir.
Q. Did the hopital attendant McConnell arrive on the scene?
A. Yes, sir.
Q. What followed that?
A. I was waiting for him at the main barrier leading from the keepers' hall into the main dome. I escorted him downstairs to Behan's cell,

Q. MURPHY.

Q. You said that Cohen was sick, and he also said they e ridiculous
[illegible]
A. Yes, sir.
Q. [illegible]
Q. [illegible] I immediately went to keeper's cell.
Q. [illegible]
Q. [illegible] I saw already [illegible] had in hand, [illegible]
[illegible] asked to see the doctor.
Q. And where did you go?
A. I immediately returned to the keepers' hall, and in [illegible] the county warden had arrived. I went back in it would be [illegible]
Q.DC. I reported the case to the county warden.
Q. Did about the other man that were in the keepers' hall before the county warden?
A. They were still there.
Q. Didn't you see them after you saw the county warden--
A. Yes, sir.
Q. Did you have any conversation with them?
A. I was reasonably to them before I went down.
Q. What were you saying to them?
A. In connection with what, sir?
Q. In connection with what you saw yesterday?
A. I hadn't been down, sir. You misunderstand me.
Q. Since you found Cohen was in this condition in his cell, you told [illegible] they you came back to the keepers' hall?
A. I did.
Q. Did you find that?
A. The county warden had arrived in the keepers' hall.
Q. The intelligent answer would be that the county warden was there. [illegible] with the man [illegible]
A. Yes, sir.
Q. You found the county warden in addition to the guards in the keepers' hall when you returned?
A. Yes, sir.
Q. Then what happened?
A. I reported to the county warden.
Q. [illegible]
Q. [illegible]
A. [illegible]
Q. [illegible]
A. Yes, sir.
Q. [illegible]
A. Therefore [illegible].
Q. [illegible]
Q. [illegible]
A. [illegible]
Q. You would be [illegible] of the case [illegible]?
A. After you [illegible] the cell door in "A" corridor, it is on the [illegible] door.
Q. [illegible] all [illegible] the [illegible] post, isn't it?
A. [illegible], sir.
Q. Did the [illegible] [illegible] all [illegible] on the ceiling?
A. Yes, sir.
Q. [illegible]
A. I was [illegible] for him [illegible] to carrier leading from the keepers' hall into the [illegible]. I [illegible] his downstairs to [illegible] cell.

Mr. Guthrie:

and I opened Behan's cell to admit the hospital overseer. He examined Convict Behan, and stated that the case was too serious for him, and to have the doctor notified.
Q. Did you hear any conversation between Behan and McConnell?
A. No, sir.
Q. What followed that?
A. I immediately returned to the keepers' hall and had the doctor notified.
Q. Was that Doctor Platt?
A. Yes, sir.
Q. I suppose the came from his home, did he?
A. Yes, sir.
Q. How long after that did he arrive?
A. I think he was at the prison at about 7.10.
Q. Did you accompany the doctor down to the cell?
A. No, sir.
Q. That is the end of your connection with it?
A. Yes.

Perhaps from that point I should give the doctor's statement.

I find the following in the evidence of Doctor G.A. Platt:

Q. Have you got the hopital record of this man?
A. He has never been a hospital patient, so there is no hospital file.
Q. Has he been receiving any medical attention at your hands?
A. Yes, he has.
Q. I am speaking of the last month?
A. Yes.
Q. What was it?
A. He complained of being unable to sleep. Said he was nervous, and wasn't sleeping well.
Q. When would this be?
A. This was particularly in the last seven or eight days--the last ten days. I have taken him over myself a tablet of veronal dissolved in water.
Q. Would it be correct to say that you saw him yesterday?
A. Yes, I was with him sixteen minutes.
Q. What time would that be?
A. When I came out from speaking to him it was 7.20 by the clock in the keepers' hall.
Q. Morning or evening?
A. In the evening.
Q. So that you saw him last before you were called this morning was about 7.20 last evening?
A. Yes.
Q. Did you prescribe for him then?
A. Yes, the same thing.
Q. How did you happen to go there this morning?
A. I was called from the prison.
Q. About what time?
A. Seven o'clock.
Q. And you arrived there approximately--
A. I think it was thirteen minutes after seven, or twelve, when I arrived.
Q. Did you go at once to see him?

Mr. Martin:

and I opened Polanis cell to admit the hospital overseer. He
[illegible] and stated that the duty was too serious
for him, and he have the doctor notified.
Q. Did you see any [illegible] between [illegible]
A. No, sir.
Q. [illegible]
A. [illegible] to the hospital [illegible] the doctor
notified.
Q. You [illegible]
A. [illegible], sir.
Q. I suppose the case from his home, did he?
A. Yes, sir.
Q. How I do after that did he survive?
A. I think he was at the prison at about 7.10.
Q. Did you accompany the doctor down to the cell
A. No, sir.
Q. What is the end of your connection with it?
A. Yes.

[illegible] from that point I [illegible]

I find the following in the evidence of Doctor G.A. Ghutte:

Q. Have you got the hospital record of this man?
A. He has never been a hospital patient, so there is no hospital file.
Q. Can he been receiving any medical attention at your hands?
A. Yes, he has.
Q. I am speaking of the last month?
A. Yes.
Q. Does [illegible]?
A. He complained of being unable to sleep. Said he was nervous.
[illegible] wanted also [illegible] work.
Q. [illegible]
A. [illegible] in the [illegible] days. I have taken the [illegible] of [illegible] man-
[illegible] in [illegible].
Q. Would it be correct to say that you saw him yesterday?
A. Yes. I was with him sixteen minutes.
Q. What time would [illegible]?
A. [illegible] seemed to him it was 7.20 by the clock
in the hospital [illegible].
Q. Morning or evening?
A. In the evening.
Q. So even you saw him last before you [illegible] [illegible]
about 7.20 last evening?
A. Yes.
Q. Did you prescribe for his [illegible]
A. Yes, the same [illegible].
Q. Did you happen to go to [illegible] this morning?
A. I was called from the prison.
Q. About what time?
A. Never [illegible].
Q. And you arrived there approximately-
A. I think it was [illegible] minutes after seven, or twelve, when
I arrived.
Q. Did you go [illegible] to see him

Mr. Guthrie:

A. Yes.
Q. Will you describe to the jury in what condition you found him?
A. He was lying on the bed in his cell. I picked up his wrist and could feel no pulse. I then asked what was the matter. He made no answer. I couldn't feel any pulse. I looked at this eyes, tried to listen to his heart. There was no heart action audible, and he had no reflexes in his eyes. He did breathe twice in the next minute or two. I suppose it was just the last action of the blood and the respiratory centres and then he was dead.
Q. The man was practically dead when you reached there?
A. Yes, he was.
Q. In your daily treatment and visits to him, had you any knowledge of any heart affliction?
A. None.
Q. Was there anything indicative of it?
A. No, no symtom to suggest heart trouble, nor was there any heart trouble that I could detect by stethoscope. I have used that many times.
Q. When?
A. I think I spent more time with him than with any convict in the institution. In the last week I had no occasion to examine his heart at all.
Q. When did you last examine his heart?
A. I think the last time would be a little over tow weeks ago.
Q. As the result of complaints received from him?
A. No. Part of my professional duty.
Q. Just in the ordinary course of duty?
A. Yes, it was in the course of duty.

Then there is the evidence of Doctor Way assistant professor of pathology at Queen's university, who perfomed the autopsy.

Without reading all his evidence I shall read the following:

I examined the body of Samuel Behan. He was a man about forty-nine years of age, well developed and well nourished. There were no marks on his body of recent occurrence, but he had some old scars, on the cheek, on his chin, one on each knee, and some tattoo marks on each forearm. There were no recent marks of any kind whatever. I then examined the body internally. I found the right lung showed some evidences of slight tuberculosis, well healed now. His left lung was free of any previous disease. The heart was about normal in size. The right side was filled with blood. The left side was more or less contracted. I found that the artery which supplies the left side of the heart, one of the most important arteries, was rather badly diseased, a condition which we know as atheroma. In common language you speak of hardening of the arteries. The artery supplying the left side of the heart is extremely important, and if it ibe plugged by disease a blood clot may form which cuts off the nourishment of the left side of the heart. that is the muscle itself, and this intereferes with the working of the heart, and frequently brings about immediate death. I found this artery in very bad condition indeed.

Coroner: Doctor, is there any physical way of diagnosing it during life? Might that have happened to a private individual in ordinary life without him even having suspected it or consulting a doctor?

Mr. Guthrie:

A. Yes.

Q. Did you examine in the jury in such condition that the
A. He was lying on the bed in his cell.
and could feel. He stood right beside the bed.
on account. A dangerous feel any under. Should it very very, right
by Ikazan on his knees. There was no longer action whatever, and he
had no reflexes in his eyes. He did breathe twice in the next minute or two. I suppose it was just the last action of the blood and the respiratory centres and then he was dead.

Q. The man was practically dead when you received these?

A. Yes, he was.

Q. In your daily treatment and visits to him, had you any knowledge of any heart affliction?

A. None.

Q. Was there anything indicative of it?

A. No, no symptom to suggest heart trouble, nor was there on
heart trouble that I could detect by stethoscope. I have used that
many times.

Q. Now?

A. I think I spent more time with him than with any convict in the institution. In the last week I had no occasion to examine his heart at all.

Q. When did you last examine his heart?

A. I should say last night or the night before.

Q. In the regular of physician received from

A. No. Part of my professional duty.

Q. What is the medical course at duty?

A. Yes, it was in the course of duty.

Then there is the evidence of Doctor Hay assistant professor of pathology at Queen's university, who performed the autopsy.

Without reading all the evidence I will sum the following:

I examined the body of Samuel Lemon. He was a man approximately years of age, well developed and well nourished. There were no marks on his body of recent occurrence, but he had some old scars, on the chest, on the chin, one on each knee, and a scar behind on both forearms. There were no signs of any blows anywhere. I then examined the body internally. I found no evidence of injury to the internal organs. The brain was normal in size. The right side was filled with blood. The left side was more or less contracted. I found that the autopsy would indicate the left-sided hemiplegia, a condition which would be caused by disease, or by a blow on the right side of the head. In common language you speak of hemorrhage of the brain. The artery supplying the left side of the heart is commonly injured, and this is followed by disease a blood clot may form which cut off the circulation of the left side of the heart. This is the usual illness, and this interferes with the working of the heart, and frequently causes sudden immediate death. I found this result in very, very, very, [illegible].

Question: Doctor, is there any medical way of diagnosing it another time, right that have lumbago in a private individual in ordinary life without his ever having suspected it or complaining a doctor?

Mr. Guthrie:

A. Coronary thrombosis is in amny cases an extremely difficult condition to diagnose previous to death, previous to an inpection of the body. In some cases it is almost impossible. The heart sounds may be normal. If anything does show, it sometimes shows by a little difference in the rhythm, the regularity of the heart, but a doctor might examine a man's pulse for quite a long time and not notice it. In some cases it is detected by a delicate electrical instrument, but even that might fail. I have known cases where a man died very suddenly, and he had been sick before, and it could not be detected. In some of the more chronic types they do complain of pain--that is angina pectoris. But sometimes they die very suddenly without complaining at all.

Q. Would it have been possible, by any chance, for any treatment to have saved him?

A. Nothing can be done whatever to change the condition of this artery. We are absolutely helpless.

Q. You mentioned a clot, doctor, I think?

A. Yes, perhaps I might explain. When the inside of the artery becomes diseased a lot of blood is very apt to form on the surface of this diseased area. It is liable to form more especially at night, when a man is resting, and as soon as he is disturbed in the moring he is liable to break this clot up, and it plugs a small branch of this artery, and that means the end. If the artery is very fine he has what we call a heart attack, and takes care of himself, but if it is a big one them of course the attack is severe enought that it kills him immediately.

The other guards who were there give practically the same evidence as Robinson. Afterhearing the evidence the jury brought in this verdict:

We find that convict Samuel Behan came to his death from natural causes, namely, coronary thrombosis, a condition which it is not possible to previously detect, and that nothing further could have been done, in the opinion of the jury, to save his life.

That was the finding on the evidence taken at the coroners inquest which was held in connection with the death of this convict.

Miss Macphail: I want to be sure of the dates. The paddling of Behan took place on May 4?

Mr. Guthrie: No, May 14.

Miss Macphail: And when did he die?

Mr. Guthrie: May 26.

Miss Macpahil: it is usual for wardens to be so lenient? After they have pronounced sentence of twenty strokes, it is usual for the

Miss Macphail:

paddling to cease after the fourth stoke?

Mr. Guthrie: Yes. I have known a great many instances that have come before me where, after two, three, four or five strokes the ramaining strokes have been held in suspense, and as a rule they are not given afterwards because good behaviour usually follows. In this instance it was at the end of the fourth stroke.

Miss Macphail: According to the new regulation, commented upon very favourably by the minister the last time we were debating this question, paddling is no longer allowed on command of the warden but only after consultation with the Department of Justice. Was convict Behan paddled before aro after consultation with Ottawa?

Mr. Guthrie: After. All cases are now submitted to headquarters before paddling or strapping can take place. The evidence is also submitted.

Miss Macphail: After May 15 and until may 26, the day on which he died, was he confined to the isolation cell in which he slept on the floor or was he in his own cell?

Mr. Guthrie: He was in the punishment cell under the keepers' hall.

Miss Macphail: That was between those two dates. Had he been in the punishment cell prior to the fifteenth?

Mr. Guthrie: From the night of the third he was in there.

Miss Macphail: I am sure the minister must have felt the death of Sam Behan under the circumstances. The report is elaborate but it does not convince me that Sam Behan was know to be a perfectly healthy man. We know all about the clergyman who went through the penitentiary and said that everything was all right; but the conduct of the penitentiary since that time has shown clearly that everything was not all right so that the jury's report does not mean as much as it might have meant before that occurrence. In

June 6, 1951. (morning)

Miss Macdonell.

Meeting to cease after the fourth witness?

Mr. Mathrie: Yes. I have known a great many instances that have come before me where, after many times, four or five already the remaining strokes have been held in abeyance, and as a rule they are not. Even afterwards because good behaviour usually follows. In this instance it was at the end of the fourth stroke.

Miss Macdonell: According to the new regulation, commented upon very favourably by the minister the last time we were debating this question, paddling is no longer allowed as command of the warden but only after consultation with the Department of Justice. Has convict Sohan paddled before and after consultation with Ottawa?

Mr. Mathrie: After. All cases are now submitted to headquarters before paddling or stopping the lash. (Applause is also prohibited).

Miss Macdonell: After he is not [illegible], he may be [illegible] alone, and be confined in the isolation cell in which is about as the floor as you do in your own cell?

Mr. Mathrie: He was in the punishment cell under the Kingston' hall.

Miss Macdonell: Did the prisoner [illegible] the punishment cell [illegible] the [illegible]?

Mr. Mathrie: From the right of the cell he was in there.

Miss Macdonell: I am sure the minister must have felt the death at Sam Sohan under the circumstances. The result is [illegible] that it does not convince us that Sam Sohan was [illegible] in a [illegible] manner. We have all seen the photograph [illegible] the penitentiary and said that everything was all right, but the death of the penitentiary proves that this has shown clearly that everything was not all right as they [illegible] [illegible] [illegible]. In [illegible] it right [illegible] [illegible].

Miss Macphail:

the judgment of Judge Deroche in the case of Rex versus Kirkland, Behan was spoken of rather well in connection with the riot. On page 7 we find the following:

Two men, Garceau and Behan, addressed the crowd and told them to do no violence or injury to property.

That was brought out at least twice. It may be that Behan's death came unexpectedly and that nothing could be done to save him, but as a member of this house I do not feel comfortable about it, when we know that he was paddled very shortly before his death, that he did not have an attendance, which of course might have happened to anyone. Coming as it does after the very real difficulty in both Kingston and St. Vincent de Paul, it seems to me to be one more strong argument in favour of a careful and imparital investigation into the conduct of our penitentiaries.

There were several other things I wanted to ask the minister. I understand that a very large number of men, thirty-six, I believe were paddled just after the visit of the governor-general to Kingston. There was some sort of demonstration in the penitentiary; a flooding of the whole ground floor, due I believe to an incident within the penitentiary; but possibly the official mind, which works in a peculiar way, may have associated this with the official visit. From the information I have I should judge that the visit of His Excellency had nothing to do with it, but afterwards thirty-six men were paddled. Things may have gone very badly at the penitentiary, discipling may have broken down entirely, but I am not at all convinced that the paddling of thirty-six men, wholesale punishment in this way, will accomplish very much. Did consent for the paddling these thirty-six men come from Ottawa or was it done on the warden's initiative?

Miss Macphail,

the judgment of Judge Doherty in the case of the Queen vs Wesley, Ishay was spoken of which well is connecting with the first. On page 7 we find the following:

Two men, Gerceau and Cohen, addressed the crowd and told them to do no violence or injury to property.

That was brought out at least twice. It may be that Cohen's death came unexpectedly and that nothing could be done to save him, but as a member of this House I do not feel so worried about it, when we know that he was peddled very shortly before his death, that he did not have an altercation, which of course -- [illegible] -- anyway. Coming as it does after the very real difficulty in both Kingston and St. Vincent de Paul, it seems to me to be one more strong argument in favour of a general and imperial investigation into the conduct of our penitentiaries.

There were several other things I wanted to ask the minister. I understand that a [illegible] of them, thirty-six, I believe were peddled just after the visit of the governor-general to Kingston. [illegible] a flogging of the whole ground floor, due I believe, to an incident which [illegible] in a possible way, may have resulted in the [illegible] visit from the Governor-General. I have I should think that the visit of his Excellency had nothing to do with it. The thirty-six were peddled. Things may have gone very badly as the magistrate disciplining may have broken down military, but I am not at all convinced that the peddling of thirty-six men, malcontents particularly in this way, will accomplish very much. Did consent for the peddling these thirty-six men come from Ottawa or was it done on the warden's initiative?

Mr. Guthrie: On the date in question the governor general happened to be at the military college in Kingston and word in some way was received amongst the prisoners that His Excellency was in Kingston and a communication was passed around, a copy of which was obtained, informing certain of the prisoners that this would be a good day to put on a demonstration. In the evening fo that paricular day, which I believe was the beginning of May or the end of April, a very noisy outbreak took place. It started with the rattling of tray sor aluminum dishes and the flooding of as many cells as they could possibly flodd in certain tiers of the building. It was a very hoisy demonstration indeed. I do not want to give the names of the various prisoners, but twenty-two were awarded corporal punishment, The doctor pronounced two of them unfit and the rest were sentenced to various numbers of strokes and eleven were administered; the second was sentenced to twenty strokes and t twelfe were administered; the third was sentenced to twenty strokes and twelve were administered. The next was sentenced to twenty, twelve strokes administered; the next to twenty; fifteen strokes administered; the next to twenty, seven strokes administered; the next to twenty, fourteen strokes administered; two were pronounced medically unfit; the next to twenty, six strokes administered; the next to twenty, twelve strokes administered; the next to twenty, nine administered; the next to twenty, five administered; the next to twenty twelve administered; the next to twenty, eight administered; the next to twenty, twelve administered; the next to twenty, fifteen administered; the next to twenty, twelve administered; and the next to twenty, fifteen administered. That concludes the list, but I notice there were five pronounced medically unfit and the strokes were not administered.

Miss Macphail: Was the department in Ottawa consulted?

Mr. Guthrie: Yes, and the evidence was submitted before the administration of the strokes.

Miss Macphail: I read in the daily press, I think it was the Toronto Daily Star, of an incident which occurred a week or two ago and which seemed to me to be rather absurd. This article stated that the Reverend Major W. E. Kidd, the Protestant Chaplain, had been protected with guards while preaching to the convicts. That struck me as being very peculiar. I cannot conceive of anyone preaching the gospel of love under the protection of armed guards. I cannot see that that would do the prisoners much good, I cannot see that it would do the preacher any good and it causes a lot of trouble for the guards. I was wondering if we could not do something about it, either not have a sermon or else have one preached by a man who believes in love to the extent that he is willing to stand upon the power of love without any other protection. I do not know how much of this report is true, and perhaps the minister would like to make a statement. I was very much interested in reading that the Reverend Father Kingsley refused similar protection. A sermon by such a man might do the men some good, but unless we intend to make our penitentiaries simply whipping institutions and places of vengeance, we should try to get these things in harmony. It is not possible to bring people to an understanding of the gospel or philosophy of love at the point of a gun. If a minister preaching the gospel of love believes in it he will not need any protection; if he needs protection as badly as that, he had better not be exposed to danger.

Mr. Guthrie: I think I am correct in stating that from time immemorial in the penitentiaries of Canada, Great Britain and the

Mr. Dutbrie: Yes, and the evidence was submitted before the administration of the sermon.

Miss Mapbell: I read in the daily press, I think it was the Toronto Daily Star, of an incident which occurred a week or two and which seemed to me to be rather absurd. This article stated that the Reverend Major R. R. Hill, the Toronto Theatre, had been protested with guards while preaching on the conditions. That struck me as being very peculiar. I cannot conceive of anyone opposing the gospel of love under the protection of armed guards. I doubt see that that would do the prisoners much good. I cannot see that it would do the preacher any good and it causes a lot of trouble for the guards. I was wondering if we could not do something about it, either not have a sermon or else have the sermon by a man who believes in love to the extent that he is willing to stand upon the power of love without any other protection. I do not know how much of this report is true, and perhaps the ministers would like to make a statement. I was very much interested in hearing that the Reverend Mr. Hill refused police protection. A sermon by such a man might do the man some good. Unless we intend to make our penitentiaries simply punishing institutions and places of vengeance, we should try to get young fellows in harmony. It is not possible to turn people to an understanding of the gospel or philosophy of love at the point of a gun. If a minister preaching the gospel of love believes in it he will not need any protection. If he does protection on the contrary, it is not better not to preach it.

Mr. Dutbrie: I think I do represent in another way those who are interested in the administration of church. Some time ago in the administration of church, some time ago

Mr. Guthrie:

United States guards have been present in the chapels at both the Protestant and Roman Catholic services. They are very necessary. No one should go away with the idea that we just have a crowd of children and innocents in these places. There are two opinions in connection with attendance at chapel. Many prominent people, including ministers of the gospel, have written to me that they think the religious services in the penitentiaries might well be dispensed with. Some suggest that at all events attendance should be optional. At the present time attendance at chapel is compulsory and there is no doubt that many of the prisoners resent this. As one divine told me, they must accept it as part of the punishment. There is an element of danger in the chapel. It is about the only time the prisoners congregate in large numbers. Many of the disturbance which have occurred in penitentiaries in Great Britain and the United States and some that have occurred in Canada have been hatched or concocted in the chapels. You have five or six hundred men, many of whom are desperate characters, congregated together with thirty or fourty guards. It would not be a very hard thing for such a number of men suddenly to overpower the guards. Reverend Mr. Kidd is a returned man. He is an estimable chaplain and one of the outstanding men in the service. He is a fearless man; he was decorated in the war and I do not think for one meoment that the guards were placed there at his request. The guards are there whether or not he likes them, for the protection of the institution.

Miss Macphail: Was there not a particular instance recently?

Mr. Guthrie: Not that I am aware of.

Miss Macphail: Is it not true that part of the wall between the chapel and the room adjoining was broken down and a heavy guard put

Mr. Guthrie:

United States guards have been present in the chapels at both the penitentiary and women's reformatory. They are very helpful. In the women's reformatory with the exception of just some 3 female of children and innocents in these places. There are two problems in connection with attendance at chapel. Many prominent people, including ministers of the gospel, have written to me that they think the religious services in the penitentiaries might well be dispensed with. Some suggest that at all events attendance should be optional. At the present time attendance at chapel is compulsory and there is no doubt that many of the prisoners resent this. As one divine told me, they must accept it as part of the punishment. There is an element of danger in the chapel. It is about the only time the prisoners congregate in large numbers. Many of the disturbances which have occurred in penitentiaries in Great Britain and the United States and some that have occurred in Canada have been hatched or concocted in the chapels. You have five or six hundred men, many of whom are desperate characters, congregated together with thirty or forty guards. It would not be a very hard thing for such a number of men suddenly to overpower the guards. Reverend Mr. Kidd is a returned man. He is an exemplary chaplain and one of the outstanding men in the services. He is a Presbyterian and he was decorated in the war and I do not think for the MILITARY CROSS. The guards are large enough to act as line guards, for the protection of the INSTITUTION.

Miss Campbell: Are there not a sufficient number of

Mr. Guthrie: Not that I am aware of.

Miss Macphail: Is it not true that part of the wall between the chapel and the prison building was taken down? Many people put

Miss Macphail:

behind the this opening, quite observable by everyone in the room? I am given to understand that that is true.

Mr. Guthrie: There was an extra number of guards placed at that particular point on May 11. This was the time when we were anticipating trouble which unfortuantely came.

Miss Macphail: I should like the minister to say something about the fire and the resignation of Warden Negloughlin.

Mr. Guthrie: The fire at Kingston penitentiary took place on May 15. It was discovered between 4.35 and 5 o'clock, at the closing of the prison. An incipient fire had been discovered in the kitchen three days before, but it did not amount to much. When discovered it was easily put out. Punk had been ingnited and placed in oiled paper and put away at five o'clock, but it was discovered in time and no real damage occurred. On May 15 a fire occurred in the change room. This is part of the prison where the men's wearing apparel and extra clothing is kept. The fire broke out between 4.40 and 4.50 in the afternoon. At the same time another fire broke out in the carpenter shop, some distance, about seventy or seventy-five feet away from the change room. The fire in the carpenter shop was discovered by one of the guards and without any very great difficulty and with an extinguisher was put out. The fire in the change room had become a serious blaze before it was discovered. The men had been marched out of the change room about twenty minutes before the fire was actually discovered; the door had been locked and the men marched out to their cells. When this fire was noticed throught the smoke occasioned by it, the door was opened and there was a great conflagration in the room at that time.

Mr. Guthrie:

Unfortunately, at that hour of the day, five o'clock, when the men are returned to their cells, it would be a natural thing for them to wash, but the effect of that on the water supply was very serious reducing the supply to about fifty percent of the normal pressure and interfering very greatly with the extinguishing of the fire. That may have been a coincidence. If you take one thousand faucets and start them all running at the same time you may seriously reduce the water pressure; at all events, the water pressure was seriously reduced. It became necessary to send for the Kingston fire brigade which came to the scene as rapidly as possible and after a considerable amount of difficulty the fire was extinguished. The loss on this occasion has been serious. The loss in the riot of two years ago which was looked upon as a serious one was only about $3,000. I regret to say that the loss by fire has reached about $35,284 including loss of machinery and of buildings, but the largest item is the loss of clothing and equipment for prisoners.

A very full investigation was held, but according to the report that has been placed beofre me, the inspector who conducted the investigation is unable to say who started the fires. He has reported that the fires were of an incendiary nature. They started at approximately the same time in the two building just as the men had been marched from the differnt buildings to their cells. It is supposed that the fires were stared either by mechanical cigarette lighter called "punk" lighters or what the prisoners refer to as "the works," operating with a bit of flint and a bit of punk, or else by a piece of candle which may have been stolen from the chapel and which could have been placed under the tables at the end of the change room and well concealed and which probably in fifteen or

Mr. Hatcher:

Fortunately, at that hour of the day, five o'clock, when the men were assembled to their cells, it would be a normal thing for them to wash, but the effect of that on the water supply was very serious reducing the supply to one-fifty percent of the normal pressure and interfering very greatly with the availability of the fire. That was both good and unfortunate. If you turn on the normal fixtures and start them all running at the same time you very seriously reduce the water pressure; at all events, the water pressure was seriously reduced. It became necessary to send for the Kingston fire department which came to the scene as rapidly as possible and after considerable amount of difficulty the fire was extinguished. The damage on this occasion was been serious. The loss in the fire of ten years ago which was looked upon as a serious one was only about $3,000. I regret to say that the loss by fire has reached almost $55,254 including loss of machinery and of buildings, but the largest item is the loss of clothing and equipment for prisoners.

A very full investigation was held, and according to the report that has been placed before me, the investigator who conducted the investigation is unable to say who started the fire. He has ascertained that the fire came to be in a mattress. The men approximately the same time in the two building just as the men had been serving from the different buildings to their cells. It is supposed that the fire was caused either by accidental ignition or another matter being "fooled" together on some one mattress and in the "hot weather," practically with a lit or cigarette, or by a piece of cannis which may have been stolen from the chemical room which could have been placed under the tables at the end of the shop room and well concealed and which probably in fifteen or

Mr. Guthrie:

twenty minutes would result in a blaze. But there is no conclusive evidence so far as to who actually set fire to those premises. The damage, as I say, is considerable, but we have not been able to fix guilt on the culprit.

Miss Macphail: The minister has not answered my second question: Why did Warden Megloughlin resign?

Mr. Guthrie: Weal, he resigned. Perhaps we might find out more if we asked him.

Mr. Lapointe; Coincidence.

Mr. Guthrie: I shall, however, state the case quite frankly. Warden Megloughlin was appointed temporary warden at the time of the riot in the institution in October, 1932. There is power in the Penitentiary Act in an emergency to appoint a temporary warden, and he was appointed temporary warden by the superintendent. Subsequently his position as warden was confirmed and he was formally appointed by the civil service commission. He has now served in the institutionfrom October, 1932, to the fifteenth of the present month of June and I must say that he has had a rather desperate experience in that penitentiary. He has had a very difficult crowd of convicts to deal with: insurrections and riots have from time to time been planned; some of them to a small extent have been carried out and I do not believe during all that peridd there was a moment of time when he could say that he was safe or that his life was not in actual danger. But he is a fearless man and probably did his best to conduct that institution according to the rules and regualtions and to run it as a prison or penitentiary should be run. But fater an experience of, say eighteen months, I am sorry to say that the condition was not satisfactory; quiet had not been restored; outbreaks or threatened outbreaks became of

almost monthly occurrence. Letters and communications were intercepted occasionally showing the plan that were to be undertaken, naming some outside sympathizers as ready to applaud another insurrection and stating that some of the newspapers were behind them.

According to the best estimate we can form there are not more than one hundred insurrectionary spirits, pretty desperate men, in that institution; from the reports I gaterh, out of the 1,000 in the institution, about one hundred may be considered dangerous insurrectionists. Ther is still quite a proportion who live in fear and trembling and who are willing to join in any insurrection who are afraid to stay out. There have been asaults of a very vicious kind on some of the prisoners who had not thrown in their lot with the more noisy and dangerous element, but by far the largest proportion are peaceable, well-meaning prisoners and the situation for those people is very inconvenient, very unpleasand and, to some extent, perhaps dangerous also. Those prisoners must be controlled and there is an element there which will not obey. If they are ordered to do work of certain kinds; ordered to any kind of duty, they pasitively refuse. Their language is bad, disgraceful, but their refusal to obey orders must be attended to.

In the last analysis there is only one course you can take and that is the application of physical force, otherwise your penitentiary is out of control. I am sorry to say that since the first of January prisoners who had been accorded in the lasttwo years very many favours as compared with those enjoyed in the penintentiary for forty or fifty years, continued to demand more and more, and the noisy or the dangerous element continued to make plans to have another rebellion or insurrection of some kind.

Mr. Guthrie:

A year and a half, or nearly two years ago, we gave them certain liberties which they had not theretofore enjoyed; one of them was outdoor exercise. This developed into baseball, handball. It developed into Sunday games; schedules were arranged for games for prisoners' teams to take place on Sunday afternoon. This spring the matter was greatly to the annoyance of certain residents in the neighbourhood of the penitentiary, and complaints were made.

Mr. Lapointe: What sort of complaints?

Mr. Guthrie: Of the noise on the Lord's day when church service was going on. Baseball was being played, and the people did not know it was baseball; the noise and the shouting were so great that they thought it was another riot. Smoking was another privilege not originally given in 1932 but extended in regard to the smoking of cigarettes. But there is a very positive regulation that no smoking shall be allowed in any place where ther is any combustible material. That regulation I found was being very largely disregarded by the prisoners. It has been suggested that perhaps some of the fires may have started by cigarettes, but I do not know what the truth is in regard to that. But smoking in the shops where there was combustible material was becoming very prevalent, and it became apparent to me and to others who reported to me that the prisoners were rapidly getting out of control. Under these circumstances I sent for the warden and had considerable discussion with him on the morning of the fourteenth instant. I explained to him the situation. I cannot say that I could blame him very much under the circumstances, because as I said he has had a very trying experience there for eighteen months.

Mr. Sanderson: Did the minister ask for his resignation?

Mr. Guthrie: I suggested to him that I was determined

Mr. Goodman

A year and a half, or nearly two years ago, we gave some motorcycles which they had had transferred without cost to some Indian Bureau. This morning [illegible] officially, [illegible] developed into Sunday general schedules were arranged for prison [illegible] visiting [illegible] to [illegible] arrangement. This ending the matter was greatly to the importance of certain residents in the [illegible] of the neighborhood, but considerable good [illegible].

Mr. Lapelsky: What was [illegible]

Mr. Gunthole: Of the noise on the Lord's day when church service was going on. Baseball was being played, and the people did not know if was baseball; the noise and the shouting were so great that they thought it was another riot. Smoking was another privilege [illegible] originally given in [illegible] to smoking cigarettes. But there is a very positive regulation that no smoking shall be allowed in any place within [illegible]. That regulation I found was be ng very largely disregarded by the prisoners. It has been suggested that perhaps some of the fires [illegible] in Alabama. [illegible] is in regard to that. But smoking in the shops where there was combustible material was becoming very prevalent, and it became apparent [illegible] prohibiting [illegible].

Mr. [illegible] Did the minister ask for his resignation?

Mr. Gunthole: I [illegible] to the [illegible]

Mr. Guthrie:

upon making a change. He immediately said that the would like to consider the question of tendering his resignation. "Well," I said, "you must understand that I am determined to make the change." He asked for two or three hours to consult friends in the city, and he came back at half past three and said that he had thought the matter over and discussed it with his friends and had decided that the would tender his resignation. But I had intimated to him in the morning that I was determined to make a change.

Mr. Mackenzie (Vancouver): Has he asked for an investigation since then?

Mr. Guthrie: No, there has been no request for an investigation. He discussed that question with me briefly, and I received a letter from him yesterday intimating that perhaps some investigation should be held, but he is to see me again to-morrow or some time when I can conveniently see him and discuss the matter further.

Mr. Sanderson: Before the warden came to see the minister at his request was there a report from the superintendent in regard to the warden?

Mr. Guthrie: Yes, and from others.

Mr. Sanderson: Did the superintendent recommend his resignation?

Mr. Guthrie: The superintendent made no recommendation, only a statement of facts. The chief complaint was the failure of enforce the regualtions of the penitentiary. I could name a good amny instances in which that failure took place. I do not know that it was a very easy task for anyone, or that anyone could have performed it. In the meantime I have placed in temporary charge of that prison a man who has had considerable prison experience, the

Mr. Sommerlie:

upon making a change. He immediately said that the would like to remainder the question of reviewing his resignation. "Well," I said, "you may reconsider and I do recommend to make my change." He asked for two or three hours to consult friends in the city, who he knew were at well and have and well know he had thought the matter over and discussed it with his friends and had decided that the would hence his resignation. Now I had intimated to him in the morning that I was determined to make a change.

Mr. McDermid (Vancouver): Has he asked for an investigation since then?

Mr. Sutherlin: No, there has been no request for an investigation. He discussed that question with me briefly, and I received a letter from the president informing that matter some investigation should be held, but he is to see me again to-morrow or some time when I am convenient. He did discuss the matter briefly.

Mr. Sanderson: Before the warden came to see the minister at his request was there a report from the superintendent in regard to the warden?

Mr. Sutherlin: Yes, and from others.

Mr. Sanderson: Did the superintendent recommend the warden?

Mr. Sutherlin: The superintendent made no recommendation, only a statement of facts. The chief complaint was the failure of the Board the maintenance of the institution. I could name a very large number in which this happens each place. I do not know that it was a very long case for anyone or that anyone could have prevented it. In the meantime I have placed in temporary charge of that prison a man who has had considerable experience.

Mr. Guthrie:

warden of Collin's Bay.

Mr. Lapointe: Who is in charge now?

Mr. Guthrie: Mr. Allan, the warden at Collins Bay, has been transferred to Kingston.

Mr. Woodsworth: Would the minister make a statement regarding the assertion made at the trail at Toronto that Tim Buck was shot at while in his cell?

Mr. Guthrie: I think I can absolutely deny that Tim Buck was shot at. But I must admit that a number of shots were fired in his cell. That occurred during what we called the great riot of October, 1932, at a time when there was general confusion in the institution, when the military had been called in for the purpose of quelling it, when the larger number of prisoners amongst whom was Tim Buck, had been marched to their cells. The guards were armed and the military were armed. The situation was exceedingly serious, and Tim Buck was one of those who were encouraging the disorder. At the door of his cell he was making speeches and encouraging the rioters, and for the purpose of frightening him, I suppose, or cowing him, certain guards fired into the cell. There can be no doubt that if any man had wanted to shoot Tim Buck he could have done so. The very fact that ten or eleven shots were fired and there was no harm to Tim Buck showsthat they were not trying to hit him. He was there for anybody to shoot. But he was one of those who were encouraging the riot and aiding and abetting the rioters, and was one of those who were convicted for it by the county judge when he was tried at Kingston. He was not injured by any shots, but shots were fired into his cell, and the reason for it was that he wastaking an active part in encouraging the rioters.

Mr. Speaker:

Warden of Collins' Bay.

Mr. Mackinnon: Who is in charge now?

Mr. Speaker: Mr. Allan, the warden at Collins Bay, has been transferred to Kingston.

Mr. Beckworth: Would the minister make a statement regarding the assertion made at the trial at Toronto that Tim Buck was shot at while in his cell?

Mr. Martin: I think I can absolutely deny that Tim Buck was shot at. But I must admit that a number of shots were fired in his cell. This occurred during what we called the great riot of October, 1932, at a time when there was general confusion in the institution, when the military had been called in for the purpose of quelling it, when the Simpson mobs had endeavoured to free Tim Buck, had been marched to their cells. The guards were armed and the military were armed. The situation was exceedingly serious, and Tim Buck was one of those who were encouraging the disorder. At the door of his cell he was making speeches and encouraging the rioters, and for the purpose of frightening him, I suppose, or cowing him, certain guards fired in the cell. There can be no doubt that if any man had wanted to shoot Tim Buck he would have done it. The very fact that ten or eleven shots were fired and there was no harm to Tim Buck shows that they were not trying to kill him. He was there for anybody to shoot. And he was one of those who were encouraging the riot and disorder and stirring the rioters, and one of those who were convicted for it by the county judge when he was tried at Kingston. He was not injured by any shots, but shots were fired into the cell, and the guards did - it was their duty to maintain order and to suppress the mutiny.

Mr. Woodsworth: The hon. member for Southeast Grey (Miss Macphail) has made an appeal that there should be an independent and very impartial investigation. It seems to me that that is a reasonable request. I think that people from all sections of Ontarion and from outside of Ontario have felt that the time has come when a departmental investigation is not sufficient. I myself have no personal knowledge of conditions in Kingston penitentiary, but there was sent to me a few months ago a copy of the Chronicl-Telegraph of Quebec of July 17, 1933, in which I find a report of a sermon preached from the pulpit of St. Matthew's church by the Venerable R.G. Scott, C.M.G.; D.S.O., archdeacon of Quebec, in which he called earnestly upon the federal government to name a royal commission to investigate Canadian prison methods and particularly the conditions which recently provoked rioting in Kingston penitentiary. He declared in the course of his sermon that the brand of shame rests upon the department of justice, and because of this he had been forced to raise his voice from his pulpit against this public scandal. According to the report, much of the archdeacon's sermon consisted of the reading of a letter written by Major W.M. Nickle, of Kingston, Ontario, who was defence counsel for one of the rioters at Kingston, in which starling allegations of ill treatment were made. The report includes the text of the letter written by Major Nickle of Mickle and Farrell, barristers, of Kingston, Ontario. This firm had undertaken the defence of Murray Kirkland, acussed of rioting in the penitentiary last October.

I understand that certain minor changes have been made since that time, but I am informed that no fundamental changes have been made. So it does seem to me that it is obligatory upon the Department of Justice to make a categorical denial, if such can be made, of any of these charges of Major Nickle. In any case the obligation rests upon the department to show reason why there should

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] of Ontario have felt that the time has come when a departmental investigation is not sufficient. I myself have no personal knowledge of conditions in Kingston penitentiary, but there was sent [illegible] the pulpit of St. Matthew's church by the Venerable F.G. Scott, C.M.G.; D.S.O., archdeacon of Quebec, in which he called earnestly upon the federal government to name a royal commission to investigate Canadian prison methods and particularly the conditions which recently provoked rioting in Kingston penitentiary. He declared in the course of his sermon that the brand of shame rests upon the department of [illegible] from his pulpit against this public scandal. According to the report, [illegible] of the latter [illegible]

I understand that certain minor changes have been made [illegible] Department of Justice to make a categorical denial, if such can be made, of any of these charges of Major Nickle. In any case the [illegible] to show reason why there should

not be a thorough-going investigation by an impartial commission.

This is the letter, which I should like to read:

Kingston, July 12, 1933.

My Dear Colonel Scott:

I remember meeting you on a number of occasions in London after my appointment in March 1918, as private secretary to our mutual friend, Sir Richard Turner.

I was associated with my father in the trial of Rex V. Murray Kirkland who was charged with rioting in the Kingston penitentiary, October, 1932. The trial judge was His Honour George E. Desroche of Belleville. The trial lasted nine days, when the whole history of the Kingston penitentiary was thoroughly gone into to ascertain the cause of the disturbance of October 17, 1932. Having read your article in the Toronto Star, a copy of which is enclosed herewith for your information about the Kingston penitentiary.

At the Kirland trial we proved, on behalf of the defence, and our allegations were not contradicted by anyone, the following facts:

(1) Underneath the keepers' hall at the Kingston penitentiary below the level of the ground there is what is called the "hole" a little place with eight cells where at certain periods men have their hands raised above their heads and are shackled to the bars, and are confined for seven or fourteen days and fed on bread and water. Outside of each cell gate is a heavy wooden door with four or five holes for air about the size of your thumb. When these doors are shut there is no other ventilation. As there are no proper sanitary arrangements, it follows without detailed comment that the air is foul to a degree. The time that men are shackled to the bars is 8 a.m. to 11.45 a.m. and from 1.p.m. to 4.30 p.m.

Let me pause for a moment to say that these are very definite charges made by a reputable man who has intimate knowledge of the facts whereof he speaks.

(2) For the most trivial offences, such as talking in the cell range men were paddled or spanked with a leather strap 3½ feet long 3 inches wide, ¼ inch thick, and in the strap there were 30 holes. If you were not particularly liked by any guard, the custom was to soak the strap in water over night and then paddle the man in the morning. The man's ankles before being paddled were shckled to a table, like a kitchen table , after his feet had been strapped apart, and his ankles made fast with straps. The inmate was then bent over the table, his arms stretched out, his clothes removed and he was blindfolded. The soft flesh would go in the holes in the strap, and if the strap was pulled the least little bit, bits of the flesh would be torn out of the body and when the strapper had finished his work, the inmate still bleeding, would be sent to the "hole,"

Mr. Roosevelt:

not be a thorough-going investigation by an impartial commission.

This is the letter, which I should like to read:

KIMBERLEY, July 12, 1954.

My Dear Colonel Scott:

I remember meeting you on a number of occasions in London after my appointment in March 1952, as prison commander in the penal system, Sir Edward Turner.

I was associated with my father in the Board of the St. Albans Kirkham and was charged with duties in the Kimberley penitentiary, Natal. The trial lasted nine days, with one whole morning of the Kimberley penitentiary was therefore, some 40 months, the case of the disappearance of October 17. Hence, really very material in the Kimberley case, a copy of which is enclosed covering the information about the Kimberley penitentiary.

At the Kirkland trial we proved, on behalf of the defence, and our allegations were not contradicted by anyone, the following facts:

(1) Underneath the Reformatory Hall, as the Kimberley Penitentiary below the level of the ground floor, is what is called the "dungeon" - a little place with eight cells, three on either side, and one at the back. These cells were used by eight people and are described in the form, and are specified the sewer or drainage pipe and had no ventilation. Outside of each cell, are a heavy wooden door with two or three inches for air and the size of a peep hole. The doors were meant there is no other ventilation. As there are no proper sanitary arrangements, it follows without debatable comment that the air is foul to a degree. The time that men are shepherded to the dungeon is 5 a.m. to 11.45 a.m. and from 1 p.m. to 4.30 p.m.

(2) For the prisoner to complain to any that these are very delicate charges made by a reputable man who has intimate knowledge of the facts whereof he speaks.

(3) For the very trivial offences, such as talking in the cell, men are made (which) or spanked with a leather strap 24 feet long 3 inches wide, 1 inch thick, and in the stamp there were 30 holes. If you were particularly liked by the jailer, the caution was to strike in water very mild and then saddle the man in the morning. The man's saddle before being saddled were stretched to a table, like a kitchen table, after his feet had been immersed and his hands made fast with straps. The jailer was then head over the table, his arms stretched, and he was spanked with the strap with the holes in the strap. The flesh would go in the holes in the strap, and if the strap was filled the least little bit, a lump of the flesh would be taken out of the body and when the strapper had finished his work, the inmate still pleading, would be sent to the "hole".

Mr. Woodsworth:

sometimes to be shackled to the bars, and sometimes just to be fed on bread and water. Inmates gave evidence and showed scars on their body from paddling which took place months ago.

To-night we have heard that this punishment is still in vogue, that men were sentenced to twenty strokes of the paddle, with some of them receiving as high as fifteen strokes. We also heard that one of the reasons for paddling, for this form of cruelty--I think we call it nothing else--was simply disobedience to certain discipline, with no great moral crime involved. I quite recognize that it may be necessary to have discipline in any institution, but I do submit that cruelty of this kind savours more of medieval inquisition days than it does of modern life.

(3) Syphilitic inmates with running sores and other such patients are admitted to the hospital. These dangerous cases and all other patients bathe in the same wash tub, the same tub being also used to wash the dishes of the patients in the hospital three times a day.

Mr. Mullins: That is not correct. I looked into that very carefully, and the hon. member has no right to read that.

Mr. Woodsworth: I submit that, however estimable my good friend from Marquette may be, the writer of this letter knows the conditions in Kingston penitentiary a great deal better than he does.

Mr. Mullins: For your information I may say that I spent some time there with a prominent clergyman from the city of Toronto, who went w with me. There was no window dressing: I looked into all those conditions which the hon. member is taking up the time of the house reading about, and what he says is absolutely untrue.

Mr. Woodsworth: Perhaps my hon. friend will permit me to finish reading this letter, which I say came from Major Nickle, who was present at the time of this trial. I take it that he knows the conditions whereof he speaks.

Can you imagine anything more disgusting and shocking?

Mr. Wadsworth:

[illegible] and women. Inmates have ridicule and abused some on their body from meeting which took place months ago.

To-night we have heard that this punishment is still in vogue, that men were sentenced to twenty strokes of the paddle, with some of them receiving as high as fifteen strokes. We also heard that one of the reasons for paddling, for this form of cruelty--I think we call it nothing else--was simply disobedience to certain disciplines, with no great moral crime involved. I quite recognize that it may be necessary to have disciplines in any institution, but I do submit that cruelty of this kind savours more of mediaeval legislation days than it does of modern life.

(3) Syphilitic lunacy with prison cases and other non-criminals committed to the hospital. Some dangerous cases and all other patients living in the same ward. We saw but have also been on hand the claims of the relatives in the hospital three times a day.

Mr. Mullins: That is not correct. I looked into that very carefully, and the hon. member has no right to make that.

Mr. Wadsworth: I submit that, however estimable my good friend from Marquette may be, the writer of this letter knows the conditions in Kingston sufficiently well to make those statements.

Mr. Mullins: Let me interrupt a moment. I am very, very sorry that a young practicant clergyman from the city of Toronto, who went to Kingston, found was no window dressing: I looked into all these problems while the hon. member is holding up the time of the house really, and that he sees is absolutely untrue.

Mr. Wadsworth: Very well, my hon. friend will permit me to finish reading this letter, which I say some hon. members, who are present at the time of this debate, [illegible] conditions existing in Kingston.

Mr. Mullins: [illegible]

Mr. Woodsworth:

(4) Two or three boys who were sent to penitentiary at the age of fifteen for three to seven years were put to work with "ligers," in other words, men who had been charged with murder or some other very serious offence and had been given life imprisonment. We can imagine the result of such contact upon the character of the boys.

(5) It was proved conclusively that there are only three shops that are any good at all at the Kingston penitentiary from the point of view of teaching an inmate a trade--the machine, engineering and carpentry. These three shops can only look after 125 men, there are over 900 inmates in the penitentiary. The result is that about 800 men are doing time and not learning a trade. At the end of their sentence, they are turned loose in society, and find themselves as many years backward as they were in the Kingston penitentiary. The inevitable happens they go back to the penitentiary.

There is an inmate by the name of John O'brien who was suspected of conspiring to escape on the poor allegation of a letter sent by one inmate to a letter sent by one inmate to a warden, implicating O'Brien. O'Brien has been in solitary confinement in the prisnn of isolation since August, 1932, yet he has never been charged or tried on a charge of conspiracy to escape.

I pause for a moment, Mr. Chairman. It seems almost inconceivable that such a situation could develop, with this man O'Brien in solitary confinement in the prison, isolated, since August, 1932, yet he has never been charged or tried on a charge of conspiracy to escape.

O'Brien had on each side of him two raving inmates, one completely crazy and the other a drug addict. I subpoenaed the crazy man to try to show to the court what was going on, but the Department of Justice got rid of him three or four days before the trial.

Mr. Cantley: I rise to a point of order. I have always understood that it was contrary to the rules of the house to read extensively from newspapers.

Mr. Woodsworth: There is nothing in the rules to prevent my reading some facts.

Mr. Donnelly: Would the hon. member say what he is reading from?

Mr. Woodsworth: The Quebec Chronicle-Telegraph of July 17, 1933. This is not newspaper comment.

Mr. Guthrie: Let him go on; go ahead.

Mr. Woodsworth: I continue to read:

When I became interested in the convict trials, I realized

Mr. Gardiner.

(1) Two or three men who were sent to penitentiary for a term of fifteen for three to seven years were put to work with "lifers", in other words, men who had been sentenced with murder or some other very serious offence and had been given life imprisonment. He can imagine the result of that system being carried out.

(2) It was proved conclusively that there are only three ways of leaving an inmate a trade--the machine, carpenter or and carpentry. These three shops can only hold about fifty men. There are over 500 inmates in the penitentiary. The result is that about 400 men are idle; they are idle for years at a time. If you put a man in warehouse, they are turned loose in society, and this increases the crime rate because as they were in the Kingston penitentiary. The inevitable happens they go back to the penitentiary.

There is an inmate by the name of John O'Brien who was sentenced for shoplifting in Toronto. All [illegible] sent by one inmate to a letter sent by one inmate to a member, implicating O'Brien. O'Brien has been in solitary confinement in Prison at Kingston since August, 1952, yet he has never been charged or tried on a charge of conspiracy to escape.

Tuesday for a month, Mr. Chairman. It seems almost incomprehensible that such a situation could exist, with this man O'Brien in solitary confinement in the prison, that was, since August, 1952, yet he has never been charged or tried on a charge of conspiracy to escape.

O'Brien had on each side of him two men, immediately behind and the other a long sentence. I am convinced the [illegible] to show in the court room was nothing, but the statement of Justice got rid of him three or four days before the trial.

Mr. Martell: I rise to a point of order. I have always endeavoured [illegible] to the rules of the house [illegible] the same score.

Mr. Chairman: There is nothing in the rules to prevent my member [illegible] the right leader.

Mr. Diefenbaker: Really the hon. member [illegible] is dealing [illegible]

Mr. Chairman: The leader [illegible] is only 17, [illegible]

This is not a speaking [illegible].

Mr. Gardiner: Let him go on [illegible].

Mr. Diefenbaker: I [illegible] [illegible]

When I [illegible] [illegible]

Mr. Woodsworth:

that every man was entitled to a fair trial. I attach a clipping from the Whig-Standard which will prove to you conclusively that the Department of Justice did not want a fair trial, and certainly did not want the disclosures made public which have since come to light.

Prior to October 17, there was a silent rule for convicts which read as follows: "Every convict shall observe silence and shall not hold communication with another convict. He shall ~~xxxx~~ not look at a visitor or speak to him. He shall only hold communication with the officer in charge of him 'on matters connected with his work'." Let me say here, while it occurs to me, that the inmates were only given 20 minutes' exercise a day, walking in a circle round the bull ring. All the complaints, brutality and treatment complained of in the Kirland trial were made known to the authorities at Ottawa in September last year. No action was taken until after the disturbance. This is what has happened since. The men are allowed to speak to one another. They are allowed to paly baseball and laugh for half an hour a day. They are given cigarette papers for their tobacco instead of using makeshifts. No man is shackled to the bars now and no man is paddled without the approval of Ottawa. The hospital conditions remain the same.

John O'Brien is still in solitary confinement and had not yet been tried.

I went to the war as a private in 1915. I happened to come back as a major. I was wounded three times. I had several operations as the result of wounds. Ifought for the best tradition of the British Empire and I am frank to say to that, within one mile of this office is the dominion penal institution know as the "Kingston penitentiary." It reeks with discontent and rottenness. It is an institution that is a disgrace to this country and I am glad that citizens like yourself are beginning to realize that the inmate of to-day is the citizen of to-morrow and entitled to be treated as a human being.

Christ is not a living power in the life of the inmate at the Kingston penitentiary to-day. What is needed is a royal commission to investigate the hideousscruelty suffered by the confined individual, a ward of this country, confined behind the silent walls of the Kingston penitentiary. The authorities, as far as I can learn, are taking no action to better these conditions. What is needed on the commission are outstanding Canadians of a broad mind and a courageous character to look into the situation which has stirred up decent thinking Canadians as a result of the shocking disclosures.

In closing let me say that, in my judgment, it is ridiculous to try men for what they did and punish them further when you take into consideration the fact that things after the disturbance to a small degree, from the point of view of privileges were made better.

The people who should be prosecuted are those in authority.

June 25, 1934. (cont'd.)

Mr. Woodsworth:

that [illegible] was [illegible] in [illegible]. I [illegible] documents from the King-Standard which will prove to you conclusively that the Department of Justice did not want a fair trial, and certainly did not want the disclosures made public which have since come to light.

Prior to October 17, there was a silent rule for convicts which read as follows: "Every convict shall observe silence and shall not hold communication with another convict. He shall never look at a visitor or speak to him. He shall only hold communication with the officer in charge of him on matters connected with his work." Let me say here, while it occurs to me, that the inmates were only given 20 minutes' exercise a day, walking in a circle round the [illegible], with the complaints, [illegible] [illegible] in the [illegible] trial were made known to the [illegible] in September last year. No action was taken until after the disturbance. This is what has happened since. The men are allowed to speak to one another. They are allowed to [illegible] for half an hour a day. They are given cigarette papers for their tobacco instead of using [illegible]. No man is [illegible] on the [illegible] now and no man is [illegible] without the approval of [illegible]. The hospital conditions remain the same.

John O'Brien is still in solitary confinement and has not yet been tried.

I went to the war as a private in 1915. I happened to come back as a major. I was wounded three times. I had several operations as the result of wounds. I fought for the best tradition of the British Empire and I am [illegible] to say [illegible] the [illegible] as the "Kingston penitentiary." It reeks with dirt and rottenness. It is an institution that is a disgrace to this country and I am glad that citizens like yourself are beginning to realize that the inmate of to-day is the citizen of to-morrow and entitled to be treated as a human being.

Christ is not a living power in the life of the inmate at the Kingston penitentiary to-day. What is needed is a royal commission to investigate the [illegible] suffered by the [illegible] [illegible], a [illegible] of the [illegible] [illegible]. [illegible] is needed on the [illegible] and a [illegible] [illegible] disclosures.

In closing let me say that, in my judgment, it is ridiculous to try men for what they did and punish them further when you take into consideration the fact that [illegible] after the disturbance [illegible] a small [illegible], from the point of view of privileges [illegible] [illegible].

The [illegible] should be prosecuted and [illegible] in [illegible].

Mr. Woodsworth:

I have written you at great length; I trust you will find time to read this letter, and I hope that you will raise your voice to see if something cannot be done for the inmates of our penal institutions. Because I realize that you you do speak, the men of the Canadian Corps, the soldiers of yesterday, the citizens of t-day, will take heed of your words, and perhaps something will come of your efforts.

Believe me,

Yours sincerely,

(sgd.) W. M. Nickle.

Some hon. gentlemen seek to interrupt by banging their desks and calling "carried."

Mr. Dupuis: Why do you not impose the penalty of the paddle?

Mr. Woodsworth: Some seem to think that this matter is a great joke.

Mr. Cantley: It is an outrage.

Mr. Woodsworth: I submit that this situation, as it exists to-dayis, as the hon. member for Pictou has said, an outrage.

Mr. Cantley: It is, on your part.

Mr. Woodsworth: I say that when a man of the standing of Mr. Nickle writes in this way--

An hon. Member: Sorehead.

Mr. Woodsworth: --and when his letter is read during the course of a sermon in St. Matthew's church by a man respected by all Canadians, The Venerable Archdeacon Scott, and when it is published in a newspaper with the standing of the Chronicle-Telegraph of Quebec, it is time that the situation came before the House of Commons. I have not much further to say, but I could not do better than to continue the plea made by Archdeacon Scott. He states:

At the end of September, 1930, we had 11,223 persons in prisons in various jails and penitentiaries. On September 30, 1931, we had 12,441 prisoners, an increase of 1,218 persons in one year. The numbers since have gone up and are still going up.

Sc. Scudamore:

I have written you at great length; I trust you will find time to read this letter, and I hope that you will take your stand so that it something cannot be done for the inmates of our penal institutions. Assume I realize that you do so now. We can AT ONCE change the whole aspect of penitentiary. The statement of 5-day, will gain heed of your words, and perhaps something will come of your efforts.

Believe me,

Yours sincerely,

(sgd.) W. M. Wickie.

Hon. gentlemen seek to interrupt by bringing their hats and calling "recess."

Mr. Dupuis: Why do you not impose the penalty of the paddle?

Mr. Woodsworth: Some seem to think that this matter is a great joke.

Mr. Cantley: It is an outrage.

Sc. Scudamore: I assert that this situation, as it exists now-days, as the hon. member for Pictou has said, an outrage.

Mr. Cantley: It is, on your part.

Sc. Scudamore: I may tell what one of the students of St. Patrick's College in this city--

An hon. Member: Laughter.

Sc. Scudamore: --said that Jesus is now forming the course of a degree in St. Patrick's church to a new congregation in all eternity. The venerable archdeacon Scott, and when it is published in a newspaper with the reading of the Christie-Taylor, it is time that the attention was before the House of Commons. I have not much further to say, but I can let it lastly that in passing the plan made by archdeacon Scott. He stated:

At the end of September, 1930, we had 11,285 persons in prisons in various jails and penitentiaries. In September 30, 1933, we had 13,441 inclusive, an increase of 2,156 persons in one year. The number since then goes up and are still going up.

Mr. Woodsworth:

If we look upon crime as a moral disease, we must feel that there is some centre of evil in our national life which has to be seriously attacked, and if possible eradicated. If a bodily disease breaks out among our people, all best medical minds and skill that the nation can command are called upon to combat it. Whence has come the failure in out fingt against the moral disease od crime?

And one further sentence only:

Broken lives, immortal souls, whom the church has failed to reach, are broken further and humiliated, in their last chance given them for reform.

I have said that I have no personal knowledge of the conditions in Kingston penitentiary. The great majority of the public cannot have any personal knowledge, but I do believe that the general public is entitled to have firsthand knowledge from a competent and impartial board of investigation. The fact that we have had these troubles, as the minister himself has admitted, extending over years, and that within recent months there have been very serious troubles, are evidence sufficient to warrant our asking for an impartial investigation. Further than that, I think we must admit when we have so many of these men coming back again and again to the penitentiaries that there is something wrong in the treatment which we are giving them.

An hon. Member: They must like it.

Mr. Woodsworth: And so I simply pass on the appeal by Archdeacon Scott, one which I know is echoed by a great many Canadians throughout this country, asking that the government give us this impartial investigation.

Mr. Ross: I am not so much interested in the particular matters to which the hon. member (Mr. Woodsworth) has just referred. I regret that I missed the opportunity some time ago to continue my remarks, whichwhich were cut short by my engagement in the elction campaign of the last two weeks. I must thank the Prime Minister (Mr. Bennett)

If we look upon crime as a moral disease, we must feel that there is some centre of evil in our national life which has to be earlonly extended, and if possible eradicated. If a bodily disease breaks out among our people, all best medical minds and skill that are within our reach are applied upon it. Forward the same way the Minister is not flying against the moral disease of crime.

And one further sentence only:

Broken lives, immortal souls, some too already lost within my reach, are looking forward and beseeching, in their last chance given them for reform.

I have said that I have no personal knowledge of the conditions in Kingston penitentiary. The great majority of the public cannot have any personal knowledge, but I do believe that the general public is entitled to have firsthand knowledge from a competent and impartial board of investigation. The fact that we have had these troubles, as the minister himself has admitted, extending over years, and that within recent months there have been very serious troubles, are evidence sufficient to warrant our asking for an impartial investigation. Further than that, I think we must admit when we have so many of these men o also back again and again to the penitentiaries that there is something wrong in the treatment which we are giving them.

Hon. Member: They must like it.

Mr. Woodsworth: And so I simply pass on to be proved by Arcadians that this is a place in which our criminals receive the care they need, making such improvements as will facilitate investigation.

Mr. FRASER: I am not so much interested in the particular address to which the hon. member (Mr. Woodsworth) has just referred. I regret that I missed the opportunity of being like one in attendance on Saturday, which I was cut short by my engagement in the election campaign of the last two weeks. I must thank the Prime Minister (Mr. Bennett)

Mr. Ross:

for the opportunity to complete what I began on a former date. On that occasion I spent most of the time in showing that the reforms which had been obtained were obtained through outside interference. That was principally in answer to newspaers who had been decrying th matter of outside interference in penitentiary affairs. It was also an answer to the selected visitors who had gone through the penitentiairies, and had made favourable reports. I am not very much concerned with the internal administra ion, because I think the department should be able to obtain a man who would bring order out ow what the minister has now described as a state of great disorder. In the face of a certain amount of criticism opposed to a certain amount of whitewash we get nowhere. The remarks which have been made through the medium of the press and by visitors to the effect that those of us who have some criticism of the system, and not particularly against the administration by this or that official, are preaching leniency does not in any way affect me, I am for punishment and I am also for control of these institutions.

I should like to deal with basic conditions, the conditions which lie at the bottom and foundation of our penal system. The Prime Ministe has weel described the functions of the penitentiary as being threefold, first that they have to do with detention, for the safety of the state; secondly, detention to deter crime in others and, third, for reformation. These are the tree concise and concrete functions of penitentiaries. If those are the functions, I can conclude only this, that the system is ancient, that it is antique and bewhiskered with age. I say that it has failed in this threefold function. It is quite true that we have detention, there is no doubt about that. But as to the features of deterrence from crime and reformation, the system has failed absolutely.

Mr. Moss:

for the opportunity to speak upon a lesser date. In that session I spoke most of the time in support that matters which have been related were [illegible] That was primarily in order to [illegible] in matter of [illegible] interference in institutions affairs. It was also an effort to the relaxed [illegible] penitentiaries, and had made favorable reports. I am not very much concerned with the lengthed [illegible] department should be able to obtain a man who would bring order out of what the minister has described as a state of [illegible] In the face of a certain amount of criticism opposed to a certain amount of [illegible] The remarks which have been made through the medium of the [illegible] of us who have some criticism of the system, and not particularly against the administration [illegible] I am for [illegible] I am also for control of these institutions.

I should like to deal with basic conditions, the conditions which lie at the bottom and foundation of our penal system. The time [illegible] three-fold, first that they have to do with detention, for the safety of the state; secondly, deterrence to deter crime in others and, third, for reformation. These are the three concise and concrete times of penitentiaries. If these are the functions, I can conclude only this, that the system is ancient, that it is antique and [illegible] with age. I say that it has failed in this threefold function. It is quite true that we have detention, there is no doubt about that. But as to the features of deterrence from crime and reformation, the system has failed identically.

Mr. Ross:

I should like to draw the attention of hon. members to some statistics, because in matters of importance we have to go outside the reports. I believe the last report was about the poorest one which had been made by a superintendent. My figures are those for the year 1933, and I should like the house for a few moments to take note of what the system has accomplished. We find that of the 4,800 prisoners the first offenders amount to 37 per cent, second offenders 21 per cent, third offenders 14 per cent, and those with four or more offences 22 per cent. In other words, the oftener a man goes to penitentiary the greater is the likelihood that he will continue to go, and to my way of thinking if that is the conclusion which must be drawn after all these years of administration the system has failed. The superintendent states that there have been ten years of maladministration, and I leave that to the former and the present Minister of Justice to explain. I think however it is a pretty hard crack to say that there have been ten years of maladministration and inefficiency. I would point this out, however. When you analyze the population of the penitentiary and find that only thirty-seven per cent of that population are first offenders and that twenty-two per cent are fourth commitments, then I say that the system is not showing results. It has been said that those who go to the penitentiaries are the unemployed. Again, I have not time to take you into statistics, but you will find that even that criticism is not borne out.

Mr. Mercier (St. Henri): If it is a failure, what do you suggest?

Mr. Ross: If the hon. member will listen long enough I will come to my suggestion; let him be a little patient. The unemployed are not by any means the great mass of the population of the penitentiaries, because most of these men have been in employment of some kind or other. Then we come to the boys and the youth. There are about 109 boys

Mr. Ross:

I should like to draw the attention of hon. members to some statistics, because in matters of importance we have to rely on reports. I believe the last report was a very good report which had been made by a superintendent. My figures are those for the year 1932, and I should like the house to be aware of what the system has accomplished. In that year, 4,000 prisoners the first offenders amount to 77 per cent, second offenders 21 per cent, third offenders 12 per cent, and fourth offenders 8 per cent. In other words, the offender's one chance in penitentiary the greater is the likelihood that he will continue to go, and to my way of thinking if that is the conclusion which must be drawn after all these years of administration the system is failing. The superintendent states that there are seven ten years or thereabouts, and I leave that to the House and the Minister of Justice to realize the validity. I think however, it is a pretty hard thing to say that there has been had the power of administration and institutions. I would quite like, however, when you analyze the population of the penitentiary and find that only thirty-seven per cent of the population are first offenders and that twenty-two per cent are Court convictions, that I say that the system is not showing results. It has been said that there was no in the penitentiaries who are convicted. Again, I have not time to give you the statistics, but you will find that even that criticism is not borne out.

Mr. Speaker (Mr. Speaker): If it is a question, what is the question?

Mr. Ross: If the hon. member will listen I will come to it. I am suggesting let him be a little patient. The commissioner has by long years the great case of the population of the penitentiaries, because most of these men have been in employment of some kind or other. They be done in the days and the youth. There are about 100 boys

Mr. Ross:

in the penitentiaries, and 44 per cent of these are first offenders. Of boyes between the ages of 18 and 21 there are 730, and about 40 per cent are first offenders. It has been claimed that the boys in there come from homes. Again, the statistics do not bear that out. The smallest percentage of these boys in the penitentiaries are from foster homes, and the great percentage fre from homes where there are father and mother. The conclusion I leave to hon. gentlemen.

My hon. friend asks what I propose. I will ask the committee to bear with me patiently in this matter. I speak only for myself but I am speaking after years of close study of the penitentiaries. In the first palce, for years the superintendent's report has suggested that there should besegregation, and that suggestion has been ridden to death. But there are one or two respects in which there should undoubtedly be segregation, and the minister's statement to-night will lead us to a few conclusions in this matter. First of all, there should be segregation of mental cases. The one official who is absolutely heessary to this system is the psychiatrist, but when you read down this list of officials you will find that the two important ones are left out. There are superintendents, wardens, inspectors, chaplains, but there is nopsychiatrist at all in connection with these institutions. The study of the mental condition should begin away back in these cases. the situation in regard to mental cases has been a very bad one for years. Whenever a crisis occurred cases would be examined and they would be sent over to the provincial asylums.a Now, the provincial asylums are not prepared to deal with the mental criminal, and as a result he very often escaped and was at large. But I want it to be understood that a large percentage of the population of the penitent-

in the penitentiaries, and it can count on some but first offenders. [illegible] Yet, and most of [illegible] are first offenders. It has been claimed that the boys in there come from homes. Again, the statistics do not bear that out. The smallest percentage of these boys in the penitentiaries are from foster homes, and the great percentage are from homes where there are father and mother. The conclusion I leave to hon. gentlemen.

My hon. friend asks what I propose. I will ask the committee to bear with me patiently in this matter. I speak only for myself but I am speaking after years of actual study of the problem involved. In the first place, the [illegible] [illegible] [illegible] [illegible] [illegible] suggestion has been ridden to death. But there are one or two respects in which there should undoubtedly be segregation, and the minister's statement to-night will lead us to a few conclusions in this matter. First of all, there should be segregation of mental cases. The one official who is absolutely necessary to this system is the psychiatrist, but when you read down this list of officials you will find that the two important ones are left out. There are superintendents, wardens, inspectors, chaplains, but there is no psychiatrist at all in connection with these institutions. The study of the mental condition should begin away back in these cases. The clinics in regard to mental cases are [illegible] years. However, a crime committed cases would be examined and they would be sent over to the provincial asylums. The provincial asylums are not designed to deal with the normal criminal, and as a result be very often neglected and was at large. But I want it to be understood that a large percentage of the population of the penitentiar-

iaries to-day is attributable to the mental conditions of the inmates, and there has been no scientific, no advanced method of dealing with them. The man who should be able to take charge in this respect and make recommendations cannot be found on the staff.

Let me pass on to the second phase of this matter, and that is in regard to the boys. I have been engaged on this for some time. I think it is a crime that a boy should be in a penitentiary, and yet if you study the law as it stands you will fail to understand why it is that white men should have on their statute books any law which permits the incarceration of boys. I am opposed to the incarceration of the boy if it can be prevented, as I think it can, and I will make a suggestion or two in that regard before I am through; because when the boy is released from the institution, no matter whether it be a reformatory or a penitentiary or a prison, there is no place for him in society. There is no way in which he can obtain a position and be restored to a place in society. I leave that statement to the house and the public and ask whether there is any way in which the boy, once he is marked by incarceration, can be returned to society. Visitors have gone through the penitentiaries and made reports on the food and on the conditions, but they fail to tell you of the food that the boy is feeding on in these institutions. I will give you an example without mentioning any names--convict No. so and so, an inmate of Kingston penitentiary. This man was sentenced for life to that institution for assaulting a little girl of nine, and when he could not accomplish his purpose he tied the girl and then cut her. That man was in the institution, and was paroled after nine years, and he is back to-day on a similar charge. Imagine a boy sitting beside this kind of animal, feeding on the sort of food that

Mr. Rose:

laries to-day is attributable to the mental conditions of the inmates, and there has been no relaxation, no progressive method of dealing with them. The man who should be able to take charge in this respect and make recommendations cannot be found on the staff.

Let me pass on to the second phase of this matter, and that is in regard to the boys. I have been engaged in CIVA for some time. I think it is a crime that a boy should be in a penitentiary, and yet if you study the law as it stands you will fail to understand why it is that white men should have on their statute books any law which permits the incarceration of boys. I am opposed to the incarceration of the boy if it can be prevented, as I think it can, and I will make a suggestion or two in that regard before I am through; because such boys may be taken from the institution, no matter whether it be a reformatory or a penitentiary or a prison, there is no place for him in society. There is no way in which he can obtain a position and be restored to a place in society. I leave that statement to the house and the public and ask whether there is any way in which the boy, once he is marked by incarceration, can be restored to society. Vigilant care must surround the multiplicities and make compare on the [illegible] of the institution, and long [illegible] will pass at the final [illegible] we are [illegible] in these institutions. I will give you an example which [illegible] and [illegible] so and so, an inmate of Kingston penitentiary. This man was sentenced for life to that institution for committing a little girl of nine, and when he could not accomplish his purpose he killed the girl and then put her. Does one see in the institution, but for [illegible] after nine years, and he is back to-day as a [illegible] [illegible] [illegible] makes this [illegible] of Ashmore. Feeling on the part of your [illegible]

Mr. Ross:

is given to him by moral perverts. I could give you similar cases. How can that boy, after years of such confinement, find a place in society? Since I took this matter up in regard to the incarceration of boys in these insitutions, I must say the within the last year we have made some advance. The Minister of Public Wefare in Ontario has stated that the age should certainly be raised from sixteen to eighteen. With that we cannot agree. A boy of eighteen has yet to be defined from the point of view of mental condition; he may be a boy of ten years mentality, whereas a boy of thirteen of fourteen might have the matured mentality of a man of twenty-five. I have been in correspondence with many magistrates on this phase of the subject, discussing this difficulty. Listen to some of the statements made by some of these magistrates:

As I have often pointed out to you, a boy under sixteen is met with the arbitrary provision of the prison and reformatory act.

You will see, Mr. Chariman, that this matter is complicated. It is not only a federal but a provincial matter. I am trying to get down to basic facts and arrive at something of a corrective nature with regard to these institutions. The letter continues:

If section 30 of this act means what it says, the magistrate is at times faced with the heartbreaking alternative of sending a boy of tender years to the penitentiary or of ignoring the act and sending the culprit to some other institution.

The law as it stands to-day is that a boy under sixteen years who commits certain crimes must necessarily be sent to the penitentiary, while if he is over sixteen years of age the magistrate has the alternative of sending him to the reformatory. Is that law one which we want to stay upon our statutes? Since this matter was last up the magistrates now have another alternative and they may send the boys to the reformatory. The letter continues:

This is the age of the automobile with all the opportunities

Mr. Ross:

is given to him by moral perverts. I could give you similar cases. Did you that day, after physical and mentally, find a place in society? Since I took this matter up in regard to the incarceration of boys in these institutions, I have met one which the last year was more than sufficient. The behavior of these boys is varied that the age should actually be raised from sixteen to eighteen. With that we cannot agree. A boy of eighteen has yet to be defined from the point of view of mental condition; he may be a boy, of the same mentality, somewhere along of fourteen or fifteen years of age. Mental maturity at a max it tenty-five. I have had in correspondence with many magistrates on this phase of the subject, discussing this difficulty. Listen to some of the statements made by some of these magistrates:

As I have often pointed out to you, a boy under sixteen is not with the exclusive provision of the criminal law.

You will see, Mr. Chairman, that this matter is complicated. It is not only a federal but a jurisdictional matter. I am trying to get down to basic facts and avoid or eliminate of a controversial nature with regard to these institutions. The latter continues:

If reading 80 of this act shows what it says, the magistrate is at times just when the determining authority of sending a boy of tender years to the reformatory. If of knowing the act and sending the boy right to some other institution.

The law as it stands to-day is that a boy under sixteen years the criminal provision which commonly is used as the penitentiary, while if he is over sixteen years of age he has the alternative of sending him to the reformatory. In that law the which we part is also open for criticism. Since this motive has left by the magistrate one more criminal-criticism. Who may send his boy in the reformatory. The latter continues.

This is the use of the automobile with all the opportunities

for pleasure and the resultant temptation never before experienced. He himself is like a high powered car with unbounded energy and a not too great sense of responsibility. Like the auto he has unbounded opportunities for good if properly controlled but unlimited opportunities for evil if not controlled. When the magistrate has to act he is like a surgeon who has to perform a delicate operation with inadequate instruments. The problem is very great and I am afraid I cannot see the advantage of raising the juvenile age from sixteen to eighteen. In the first place, an increase in the age would not affect the duty of the magistrate to try them of any age for indictable offences if he were so charged. When the institution for the juvenile is the industrial school and you have children as young as eleven and eighteen year boys together, the evil influence on the tender boy by the older and more experienced one would be anything but good for the former.

He concludes with this important suggestion:

There is no doubt that all criminals should be classifiedd and every criminal should be subject to careful physical and mental exmination and should be dealt with in accordance with those. I am sorry that magistrates are not allowed wider discretion in the use of the strap. I cannot understand why the perforated paddle with its possiblities for serious injury should be allowed.

A boy may be committed for six months to a reformatory or industrial school. If he runs away, as most boys will, the arbitrayy sentence is two years in the penitentiary. We have to-day in Kingston boys who have served six months' commitment. I think the boy shoudd be treated provincially and by his own institution; he should not be incarcerated in a penitentiary for running away. When a boy had done two years you would think that that was sufficient punishment, but he is returned through the gaol to the reformatory to complete his six months' commitment. This is a serious matter. Since I have taken up this problem I have had the most interesting correspondence with many magistrates. I heard from one who had dealt with thirty-two cases concerning boys and of those thirty-two cases, sixteen were for offences under the highway traffic act. The magistrates have been following the letter of the law and these boys are in the penitentiary at the present time. They are in touch with murderers, moral perverts and other prisoners of the type to which I have referred

Mr. Vosse:

you pleasure and the resultant temperation upon others experienced. He himself is live a high crowned car with concealed energy and a too great sense of responsibility. Life the ends be his intended opportunities for good if properly controlled are wasted against mankind for evil if not controlled. When the magistrate has to act he is like a surgeon who has to perform a delicate operation with inadequate instruments. The problem is very great and I am afraid I cannot see the expediency of raising the juvenile age from eighteen to eighteen. In the first place, an increase in the age would not affect the duty of the magistrate is try them of any age for indictable offences if he were so charged. When the institution for the juvenile is the industrial school and you have children as young as eleven and eighteen year boys together, the evil influence on the tender boy by the older and more experienced one would be appalling but good for the former.

He concludes with this important suggestion:

There is no doubt that all evidence should be expunged and every criminal should be subject to exactly equal treatment examination and should be dealt with in accordance with these. I am sorry that magistrates are not allowed wider discretion in the use of the strap. I cannot understand why the perforated needle with its possibilities for serious injury should be allowed.

A boy may be committed for six months to a reformatory or industrial school. If he runs away, as most boys will, the arbitrary sentence is not issued in the INTERMEDIATE. In some cases in Toronto boys who have served six months' sentence, a little fellow who should be treated provincially and by his own institution, he should not be incarcerated in a penitentiary for running away. When a boy had done his year in the Bolton that had his sentence quashed, but he is returned through the goal to the reformatory to complete his six months' commitment. This is a serious matter. Since I have taken up this problem I have had the most interesting correspondence with many magistrates. I heard from one who had held his sixty-one years sentencing boys and of those thirteen years, always sent for offences under the highway traffic act. The magistrates have been following the letter of the law and there has not in the identary at the present time. Time are in Canada six reformatory, moral perverts and other prisoners of the home is which I have referred

Mr. Ross:

already. The only result is injury to the boys. Last year I referred to a boy named Bill who had been committed when only fifteen years of age. He knew nothing about law breaking and he was not a bad boy in the sense of the word. However, as a result of being once committed to the penitentiary he is now serving his seventh commitment in that institution. I am opposed to boys being sent to the penitentiary. I may be asked what I am going to do with these boys. Last year the former Minister of Justice (Mr. Lapointe) said that they were very bad boys, but as a result of the system and the treatment they have received they have become much worse. Many of these boys become recidivists even although their parents stuck to them during their confinement. My suggestion is that the boys should not be placed in the institution. This problem became serious in England and they took many of these boys and put them in the navy. The result was that many of them came out very fine men.

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Amount required to carry out agreement between His Majesty and the municipality of the village of St. Vincent de Paul for extension of the present water and sewer system connected with the St. Vincent de Paul penitentiary, $3,000.

Mr. Ross: I had the floor when this item was up before. I am going to detain the committee only a few minutes. I am compelled to speak to-night on behalf of those guards who were dismissed by the new administration some years ago to promote efficiency. Their notice to go was in these terms: "Guard So and So: Acting under instructions from Ottawa, I have to advise that you have been retired from your position on the staff of this institution, to take effect from the 25th, to promote efficiency." I have a dozen of them here, notices to men who were dismissed by this new administration to promote efficiency, and now we have information that for eighteen months there has been no efficiency, though these gentlemen have lost their positions. I want to say on behalf of these guards that, at the time the riots occurred, the new superintendent came to my door, without solicitation from myself after he had dismissed about five or six of them, and gave me the promise that these men would be restored. He gave me a straight promise that they would be restored. I went to these men and begged them not to raise any disturbance but to keep quiet because they would be put back in their positions, and I told them that on the word of the superintendent. That word was not fulfilled, but instead of that about thirty more were dismissed. I am speaking to-night on behalf of these men, pointing out the injustice that has been done them. In addition to that, I would point out that if Warden Megloughlin has been dismissed, the people want to know on what groudn and for what reasons. Was he dismissed because he was inefficient? Was he dismissed because he had not support from higher up? Or was it because he was carrying out some administration of

Amount required to carry out agreement between His Majesty and the municipality of the village of L'Ile. Ministère de la Santé for extension of the present water and sewer system connected with the Ste. Vincent de Paul penitentiary, $3,000.

Mr. Rose: I had the floor when this item was up before. I am going to detain the committee only a few minutes. I am compelled to speak tonight on behalf of those guards who were dismissed by the new administration, some years ago, for reasons of efficiency. Their notice to go was in these terms: "Guard to and So: Acting under instructions from Ottawa, I have to advise that you have been retired from your position on the staff of this institution, to take effect from the 28th, to promote efficiency." I have a dozen of them here, notices to men who were dismissed by this new administration to promote efficiency, and now we have information that for eighteen months there has been no efficiency, though these gentlemen have lost their positions. I want to say on behalf of those guards that, at the time the crisis occurred, the new superintendent came to my door, without solicitation from myself after he had dismissed about five or six of them, and gave me the promise that those men would be restored. He gave me a solemn promise that they would be restored. I went to these men and begged them not to take any disturbance but to keep quiet because they would be put back in their positions, and I told them that on the word of the superintendent. That word was not fulfilled, but instead of that about thirty more were dismissed. I am speaking to-night on behalf of these men, pointing out the injustice that has been done them. In addition to that, I would point out that if Marion Dalhousie has been dismissed, the usually well informed know what people and for what reason. The dismissal seems to be injurious. Was he dismissed because he had not enough force behind him? Or was it because he was unpopular and some [illegible]

Mr. Ross:

his own or the administration laid down for him? These are matters that are disturbing to the people of Kingston and to the guards who have been dismissed. It is too late to discuss the matter to-night, but I can assure the committee that, having waited patiently for some time for an explanation of their dismissal, I am speaking now only in the interests of the penitentiary. No matter what any newspaper or anyone may say, I am expressing my wn views, and I have at heart the welfare of these guards and of the people of Kingston as well as of the penitentiary. The people of Kingston are disturbed after the disclosure that has been made to the house that efficiency has not been secured, although a dozen or two of guards have been dismissed. I have done my duty, and though I have not time to-night to discuss the matter further I promise you that I shall return to the subject at the very beginning of the next session of parliament.

Miss Macphail: Unfortunately it always happens that the penitentiary estimates come up at the very close of the session. I have sat through this session and listened to a good deal of good of good talk and a good deal that might have been better left unsaid, and I intend to-night to take upas much time as I would two weeks before prorogation.

In the winter the Minister of Justice, discussing the Kingston penitentiary riots, said that they were due to communist activities in that institution. When General Ormond, who was superintendent of penitentiaries in Canada, was listing the causes of the riots in Canada he enumerated eleven, and the last one was the only cause that could be interpreted as communistic. Oddly enough, the riot of October 17-20, 1932, was by no means the one in Kingston. I take my information from Superintendent Ormond's reports. There was an uprising in Kingston on September 17, 1921; another on January

Mr. Speaker, (concld.)

his own on the administration laid down for him. These matters have been dismissed. It is too late to discuss the matter to-night, but I can assure the committee that, having waited patiently for years for an explanation of their dismissal, I am speaking now only in the interests of the penitentiary. No matter what any newspaper or anyone may say, I am expressing my own views, and I have at heart the welfare of these guards and of the people of Kingston as well as of the penitentiary. The people of Kingston are concerned after the disclosure that has been made to the house that efficiency has not been secured, although a dozen or two of guards have been dismissed. I have been on duty, and during I have not been speaking on discuss the matter further I promise you that I shall return to the subject at the very beginning of the next session of parliament. The Superintendent is always saying that the penitentiary estimates come up at the very worst time of the year. I have not treated this session and listened to a good deal of good of good talk and a good deal that might have been better left unsaid, and I intend to-night to take more much time as I would two weeks before prorogation.

In the winter the Minister of Justice, discussing the Kingston penitentiary riots, said that they were due to immoral activities in that institution. When General Ormond, who was superintendent of penitentiaries in Canada, was listing the causes of the riots in Canada he mentioned alcohol, and the last one was the only cause that could be considered as communicable. Oddly enough, the riot of December 17-18, 1932, was by no means the one in Kingston. I take my information from Canadian Annually reports. There was rioting in Kingston on December 17, 1932, when another of Canada's penitentiaries

17, 1923; another on October 3, 1924; another on January 22, 1927, and some sort of disturbance called the conspiracy on August 5, 1931. Then there were the riots in October, 1932. It would be interesting to hear from the Minister of Justice what caused all the other riots, since many of them took place before the communists were in Kingston. It is too thin a reason to give to an intelligent body like the House of Commons, and I think that the events since that speech was made by the Minister of Justice have borne out the contention that the reason simply was not good enought. The minister at that took the groudn that the 50,000 communications he had received asking for an investigation into our penal institutions were from communist sources. I do not know where they came from, but I do know that the Toronto Globe, which could not by any stretch of imagination be said to be a communist journal, for weeks and even months campaigned in favour of an impartial investigation into the difficulties at Kingston. And not only the Globe, but other newspapers, such as journal as the Whig Standard of Kingston and more recently, since the debate in the House of Commons a few days ago, the Hamilton Herald and many others, have asked for an impartial investigation into all Canadain penitentiaries and particuddrly Kingston penitentiary, where there has been one disturbance after another. Moreover, such eminent authorities as Archdeacon Scott and Mr. W. M. Nickle, K.C., of Kingston, who had much to do with the defence of certain convicts in Kingston and has for a long time been deeply interested in the conditions in the penitentiaries, and whose father was one of three people who made the finest report on penitentiaries we have ever had, have urged such an investigation.

Possibly at this point I might say to the hon. member for Marquette that Major W. M. Nickle, in an interview given the Toronto

Mr. Speaker:

Mr. Speaker, on October 6, 1921, when we were -Hansard Oct. 6, 1921, and some year of discussion which was concerning in August 9, 1921, that place were the Minister of Justice, 1921. It would be interesting to hear from the Minister of Justice what caused all the other riots, there may or that some other reason the commission's was in Kingston. It is too thin a reason to give to an intelligent body like the House of Commons, and I think that the speech alone that speech was made by the Minister of Justice have brought the contention that the reason simply was not good enough. The minister at that took the ground that the 50,000 communications he had received making for an investigation that our local legislature was from Kingston. I do not know where they came from, but I do know that the Toronto Globe, which could not by any stretch of imagination be said to be a communist journal, for weeks and even months carried and in favour of an impartial investigation into the difficulties at Kingston. And not only the Globe, but other newspapers, such a journal as the Toronto Mail and Empire, and most assuredly, after the debate in the House of Commons a few days ago, the St. John Herald and many others, were asked for an impartial investigation into the Ontario penitentiaries and particularly Kingston penitentiary. Some there has been one disturbance after another. Moreover, such matter authorities as Aldermen Woods and Mr. G. G. Jones, Justice of Kingston, who had been in touch with the inmates of Kingston penitentiary and has for a long time been deeply interested in the conditions in the penitentiaries, and where former was one of three people who made the finest report on penitentiaries we have ever had, have urged such an investigation.

Finally at this point I think my hon. friend the Premier, the Major K. T. Ainslie, in an impromptu speech in Toronto

Miss Macphail:

Globe on Wednesday, June 27, made reference to the hon gentleman in these terms:

Just to bring this matter to a head, I challenge Mr. Mullins to prove that amy instince in my letter to Canon Scott is incorrect or false; and if the government will give me a chance I will prove that what I have stated in my letter is correct in every detail.

His letter, which was read on the floor by the hon. member for Winnipeg North Centre, is a terrible indictment of the management of Kingston penitentiary. Surely there should not be required any further urging of the government for an impartial investigation. There should be a royal commission or special committe of investigation to look into conditions not only in Kingston penitentiary but in all the penitentiaries throughout Canada.

I should like to take some time to give what I think are some fo the causes of the riots.

I am going to wuote for a moment or two from the decision of Judge Deroche in the Rex versus Kirkland case in which he says:

The men (meaning the inmates) had for months and possibly years been asking for the removal of certain grievances which were in ther minds, with little or no response.

Then he goes on to say:

They now decided that on October 17, at three o'clock p.m. they would waldk out of the shops and make a peaceful demonstration to impress the warden and through him Ottawa.

At the end of the judgment he says again, on page 7:

Then to go back to the cause of the riot. This peaceful demonstration which developed into a riot, was for the purpose of emphasizing the demands of the men for redress of certain grievances which had been long and repeatedly denied them. Many of the grievances for which this demonstration was staged have already--

Before this trial took palce.

--been granted to the men, proving conclusively to my mind that those emands must have been reasonable.

Those are the words of the judge who tried one of the rioters and in his opinion there was cause--not that the judge wanted a riot--

Mr. Speaker said:

Mr. Speaker: On Wednesday, June 25, I made reference to the new position in these terms:

> Just as every Minister of a Dominion, in proclaiming the building, in parts that are imaginary or by letters in Sydney or Melbourne, constructed or failed, and if the government will give me a promise I will prove that what I have stated in my letter is correct in every detail.
>
> His letter, which was read on the floor by the hon. member for Stanley, was in a manner that was a disgrace to the government of Kingston penitentiary. Surely there should not be required any further urging of the government for an impartial investigation. There should be a royal commission or special committee of investigation to look into conditions not only in Kingston penitentiary but in all the penitentiaries throughout Canada.
>
> I should like to take some time to prove what I think are some to the causes of the riots.

I am going to wrote for a moment or two from the decision of Judge Doucette in the case versus Kirkland case in which he says:

> The case involving the [illegible] has been [illegible] been asking for the removal of certain prisoners which were in their minds, with little or no reasons.

Then he goes on to say:

> They now decided that on October 17, at three o'clock p.m. they would walk out of the shops and make a peaceful demonstration against the [illegible] conditions.

Mr. Speaker: Do the [illegible] [illegible]

[illegible] which developed into a riot, was for the purpose [illegible] the demands of the men for redress of certain grievances which had been long and reasonably denied them. Many of the witnesses for whom this demonstration was arranged have stated [illegible] before this trial took place.

[illegible] the men, prisoners [illegible] minds must have been reasonable.

These are the words of the judge who tried one of the prisoners [illegible] in his reasons there not [illegible] that the judge weighed a [illegible]

Miss Macphail:

and he gives as proof of his belief that the grievances which the men enumerated were remedied between the time fo the rioting and the judgment made by him. I am, howeve , inclined to think there has been a slipping backward between that day and this.

Then, too, I want to say something about the number of repeaters. The figures were given the other day by the hon. member for Kingston City (Mr. Ross), that in Canadian pena. institutions twenty-one per cent of all the inmates are serving a term for their second offence; fourteen per cent for their third offence and twenty-two per cent for their their fourth offence or over. Using a statement from Superintendent Ermond's report, seventy-five per cent of all the prisoners in Canadian penitentiaries have had previous convictions, for incarceration possibly not in penitentiaries, but, if not, at least in some other place such as a gaol or a reformatory. I remember one time Brigadier General Hughes told me that the average cost of a conviction was $1,200, so if we figure it out on that basis, the repeaters, using the percentage I have just given and the prison population of this year, mean an increased cost to the people fo Canada of $6,735,600; that is the repeater cases over and above the first conviction. Therefore, I should think if the House of Commons is not affected by a humanitarian appeal it ought to be affected by a financial or purely material appeal. It is bad business to go on putting men into penitentiaries where they are not reformed, where apparaently, after leaving such institutions, they cannot make a place for themselves in life and so return to prison.

I feel the House of Commons ought to take much more interest in this subject than hon. members have shown. It always happens just as it is happening now that this matter comes up at the very end of a session, one gets an indifferent house and nothing is done

from year to year. So we have such cases as the one mentioned in Mr. Nickle's letter and corroborated in Judge Deroche's statement that a man called O'Brien has been in solitary confinement in Kingston Penitentiary from August, 1931, at least until July 12, 1933, and is quite probably still in solitary confinement. Since, however, the department guards its secrets so very carefully I cannot say whether that is still the case, but it is quite true that he was in solitary confinement for the period mentioned. Just think of it! a man in soliatry confinement from August, 1931, to July 12, 1933! It would have been much more humane to stand him up against the wall and shoot him. The idea of putting a man into solitary confinement for a period running on into two years in a cell three or four times the size of a piano box, to use the term of the report prepared by Nickle, Biggar and Draper, and leaving him there for that length of time, although during that time he has never been tried for the offence for which he was committed to the solitary cell. Whether this has been done recently, I am not prepared to say I would like the Minister of Justice, when he replies, if he does reply, to tell us whether or not O'Brien is till in solitary confinement.

I have also been interested in the case of Tim Buck. There are various reasons for my interest in him. The committee will recall that it was said he was shot at. That was denied, but it was admitted the other day by the Minister of Justice that eleven shots were fired into the cell of Tim Buck. I notice that Major Nickle in an interviw which he gave to the Toronto Globe recalled to us all that when crown counsel MacKay was questioning Tim Buck, he, Buck, stated that his cell was the only one of seventy-six cells in D range which was fired at. It would be interesting to me to know on what date he was fired at, whether he was fired at from the corridor directly into

Miss Meagher:

from year to year. We have well made as the one mentioned in Mr. Hurst's letter was surrendered in 1920. Perhaps it would be a good policy for the Department to encourage the further training of military instructors in Ottawa. Unfortunately from August, 1920, to June until July 12, 1921, not is quite possibly still in military establishment. Then, however, the department people are anxious to carry out specially I cannot say another that is still the case, but it is quite true that the 12 military instructors for the Regular establishment. Just think of all military instructors from August, 1921, to July 12, 1921. It would have been much more towards an organization of equipment/ in well and short time. The idea of putting a man into military instructor for a year and running on into two years in a call three or four times the size of a class but, at the time of the report, reserved by finally, Higgins and Dyer, and leaving the idea for that length of time, although during that time I have never been voted for the offices for which we were appointed in the military staff. Because this has been recently, I am not prepared to say I would like minutes of Justice, when in reality, if he does only, it has a written in the war time is still in military establishment.

I have also been interested in the case of Tim Buck. There are various reasons for my interest in him. The question will remain, it may well be one short. That was Buck, but it was wanting the other day by the statement of Justice that Dyer-Meagher were Tim the call of Tim Buck. I notice that Major Neelis in an interview which he gave to the Toronto Globe newspaper yesterday, that Mr. Harry Howard Meagher was questioning the truth, in, fact, about the fact that the only one of security-in which I know which was fired-at. It would be interesting to me to know on what date he was fired at, whether he was fired at from the secretary already left

the cell or whether he was fired at from the yard outside. It seems rather remarkable that if there are seventy-six cells in range D, one cell should be chosen and eleven shots should be fired into it. We were told the other day that they were fired into it in order to quiet or frighten Tim Buck. I should thing it ought to have been a successful method. I do not know whether other in the house feel as I do about the matter, but to me it seems a remarkable action that one cell should have been chosen and these volleys should have been fired into it. The shots were all supposed to have lodged in the ceiling and it is very lucky for Buck that they did. If they were fired from the yard outside they must have been fired by excellent marksmen if they hit the ceiling every time and did not hit Tim Buck.

I am going to quote Judge Deroche again. It was said by the minister that Buck was standing in the door of his cell encouraging the rioters. In this report the judge says on page 7:

> Buck told them:--
>
> That is the prisoners.

--that the soldiers would not hurt them if they did no violence to person or injury to property.

That does not sound very much like encouraging the rioters or like a terrifically dangerous man who needed to be fired at eleven times in order to cow him. I am going to quote again from page 3 of the same report; it is very much in the same language:

> When it was announced that the soldiers were coming, one of the men, Tim Buck, advised the men that the soldiers could not or would not hurt them so long as they did no damage to property or violence to anyone, and instructed the men to gather pails of water and barricade the door, expecting to stand siege.

At the end of this document when Judge Deroche is giving judgment on Kirkland, he gives a modified judgment because he says

the cell or whether he was fired at from the yard outside. It seems rather remarkable that if there are seventy-six cells in range 6, one cell should be chosen and seven shots should be fired into it. We were told the other day that they were fired into it in order to quiet or frighten Tim Buck. I should think it ought to have been a successful method. I do not know whether other in the house feel as I do about the matter, but to me it seems a remarkable action that one cell should have been chosen and these volleys should have been fired into it. The shots were all supposed to have lodged in the ceiling and it is very lucky for Buck that they did. If they were fired from the yard outside they must have been fired by accomplishment marksmen if they hit the ceiling every time and did not hit Tim Buck.

I am going to quote Judge Deroche again. It was said by the minister that they were standing in the door of the cell when the rioters. In this report the judge says on page 7:

> Buck told them--
>
> That is the prisoners.
>
> --that the soldiers would not fire if they did so violence to person or injury to property.

That does not sound very much like encouraging the rioters or like a reasonable inducement for the soldiers to fire as rioters start in order to use the gas. I am going to quote again from page 8 of the same report; it is very much to the same effect:

> Then it was announced that the soldiers were coming, one of the men, Tim Buck, argued the men that the soldiers would not hurt them so long as they did no damage to property or violence to anyone, and instructed the men to empty pails of water and throw them down, something to stand clear.
>
> At the end of this statement when Jones returns in giving judgment on Kirkland, he gives a similar judgment (contd. on page

that they did no injury to anyone. All that would lead one to think that there was possibly as much violence on the part of the authorities as there was on the part of the men.

There is one other protest I wish to make; I feel it is useless and still I want to make it. I thnk we have altogether too much military control in penitentiaries. We started off with General Ormond, and then we had Colonel Megloughlin who now has been asked for his resignation. I want to point out that the technique which serves weal with normal and healthy men and men more or less free, as soldiers are, would be quite different from the technique required for men who are morally or mentally sick, who are not free and who are embittered and therefore very difficult to deal with. I do not think that the method which works in one case will work in the other. We need to start as soon as possible to handle intelligently our prison population. We need a psychiatrist, as mentioned by General Ross, and we need segregation of prisoners. Possibly the Minister of Justice himself made the best plea for segregation of prisoners of any I heard. I think he said that there were not more than one hundred prisoners in Kingston--he was speaking of Kingston particularly--who were of a violent sort, and that the others were, to use what I think was his term, law-abidingcitizens: I suppose he meant to say they did not give much trouble. One hundred out of something like--I forget at the moment what the population of the Kingston penitentiary is; at any rate they are a small part of the total. Superintendent Ormond gave the percentage of incorrigibles as fifteen. In another part of the same report he said that twenty per cent belonged to the born criminal class. Nickle, Biggar and Draper in the report of 1921 said that fifteen percent had given trouble, and not more than five per cent were dificult to control.

that this did no injury to anyone. All most would lead one to think that there was possibly as much violence on the part of the authorities as there was on the part of the men.

There is one other protest I wish to make; I feel it is useless and still I want to make it. I think we have altogether too much military control in penitentiaries. We started off with General Crocker, and then we had Colonel Stephenson who has been asked for his resignation. I want to point out that the technique which serves well with soldiers and keeping them in line in jail, as soldiers are, would be quite different from the technique required for men who are morally or mentally sick, men who are from and who are withdrawn and therefore very difficult to deal with. I do not think that we should mix these in one man will work in the other. We need to start as soon as possible to handle intelligently our prison population. We need a psychiatrist, as mentioned by General Ross, and we need segregation of prisoners. Possibly the Minister of Justice himself made the best plea for segregation of prisoners of any I heard. I think he said that there were not more than one hundred prisoners in Kingston--he was speaking of Kingston particularly--who need it a violent part, and that the other were, in one sense I think was his view, harmless/lunatics. I suppose he meant to say they did not give much trouble. One hundred out of something like--I forget at the moment--[illegible] of the Kingston penitentiary is at any rate they are a small part of the total. Psychiatrists should have a [illegible] on the [illegible] on TIFFANY. In another part of the same report he said that twenty one were delivered to the bona criminal class. Nicole, Stuart and Dwyer in the events of 1953 are that [illegible] prisoners for life terrorize, and not more than five are [illegible] particular [illegible].

Miss Macphail:

From all this I think we can conclude that only a small percentage of the prisoners are incorrigibles. Therefore it would seem a logical and sinsible thing to segregate these, and try our best to save the others, not only for their own sake but for the sake of society to which they must one day be returned. Because if these men continue to be criminals they are going to cause destruction to life and property, with a great deal of suffering and misery to people outside the prison.

I feel that the government of Canada should no longer refuse to have an impartial investigation into our penal institutions. If they do, the responsibility must be entirely on the shoulders of the administration. We have done as much as we can do; newspapers and societies and a great number of people as individuals have said there should be an intestigation. I believe that the public will never be satisfied until there is one, and I urge upon the government once more that it be held.

Before I resume my seat I would like to ask the Minister of Justice if it is true that Colorel Negloughlin is to be given a position in the civil service, as reported in an Ottawa paper just the other day.

Mr. Guthrie: I know nothing of the report, nor of any foundation for such a report.

I should like to detain the committee at some length in regard to the situation spoken of by the hon. member, but as I understand His Excellency is on his way to the parliament buildings, I shall have to reserve my answer to furture occasion, in order that what I think is the desire of everyone may be complied with and the house enabled to prorogue.

Mr. Woodsworbh: The minister has taken a most remarkable attitude.

the barracks.

From all this I gather we are dealing here only a small percentage of the prisoners are interrogated. Therefore it might have a salutary and planning effect on everyone there, and we can hear to know the others, are only for their own sake and for the sake of reality to which they must one day be returned. Because if these men continue to be criminals they are going to cause destruction to life and property, with a great deal of suffering and misery to people outside the prison.

I feel that the government of Canada should no longer remain to have an essential investigation into our penal institutions. If they do, the responsibility must be entirely on the shoulders of the administration. We have done as much as we can do; newspaper and statistics and a great number of people as individuals have said there should be an investigation. I believe that the public will never be satisfied until there is one, and I urge upon the government once more that it be held.

Before I resume my seat I would like to ask the Minister of Justice if it is true that Colonel Meglosphin is to be given a position in the civil service, as reported in the Ottawa Citizen just the other day.

Mr. Guthrie: I know nothing of the report, nor of any foundation for such a report.

I should like to detain the committee at some length in regard to the situation spoken of by the hon. member, but as I recommend the Estimates be set aside, in the Maintenance Buildings, I will have to reserve my answer to further remarks. In order that my I think in the desire of everyone may be complied with and the Bill be passed in principle.

Mr. Hodgsworth: The minister has taken a most remarkable attitude.

Mr. Guthrie: I have given my reason.

Mr. Woodsworth: The minister has given his reason and I regard the reason as entirely insufficient. The hon. member for Kingston City (Mr. Ross) said a little while ago that it is perhaps too late to-night to dicuss this, but we have been put off for several years. It is an unfortunate condition, that even a supporter of the government has to admit that he has been put off for several years. We have all been put off for several years. Again and again the government has brought on these estimates at the very latest moment--

Mr. Guthrie: That is not a fair statement. These estimates have been up on at least two previous occasions this session; they have stood from time to tiem on special request.

Mr. Stevens: When the hon. member for Southeast Grey (Miss Macphail) was away.

Mr. Woodsworth: Last year the estimate was put through at a very late time and without any warning. Often notice is given; last year it was not given. It is true that this year the estimate was held up, or one item, but there is no reason whatever why these estimates could not have been brought down earlier than on the last night.

Now Mr. Chairman, the welfare of nine hundred men is at stake. They have been neglected for several years. The department has carried on the affairs of thepenitentiay in such a way that very serious riots have occurred, riots that have involved heavy expense on the part of the government, and that has shocked the conscience of the people of Canada. I refuse to permit the Minister to say at 11.40 o'clock on a Saturday night that on account of the Governor General coming here he will decline to answer, and that we shall again be put off.

Mr. Guthrie: I did not at all refuse or decline to answer; I gave the reason why I did not at the moment do so. Now I understand that the

Mr. Guthrie: I have given my reason.

Mr. Bogardus: The minister has given his reason and I regard his reason as entirely inadequate. The hon. member for Lindsay City (Mr. Hall) said a little while ago that it is painful for him to be obliged to discuss this, but we have been put off for several years. It is an unfortunate condition, that when a representative of the government has to admit that he has been put off for several years. We have all been put off for several years. Again and again the government has brought on these estimates at the very latest moment.

Mr. Guthrie: That is not a fair statement. These estimates have been up on at least two previous occasions and we have stood from time to time on special request.

Mr. Stevens: When the hon. member for Kootenay West (Mr. McCallum) was away.

Mr. Bowlsworth: Last year the estimate was put through at a very late time and without any warning. This matter is almost less than it was so I gives. It is true that this year the estimate was held up, so was time, but there is no reason whatever why these estimates could not have been brought down earlier than on the last night.

Now Mr. Chairman, the welfare of nine hundred men is at stake. They have been neglected for several years. The statement has carried in the history of Chapleau(?) in such a way that very serious risks have resulted. Risks that have imperiled the lives of the people of the government, and that we should the Canadians of the people of Canada. I refuse to permit the Minister to say at 11.40 o'clock on a Saturday night that on account of the government coming here he will decline to answer, and that we shall again be put off.

Mr. Guthrie: I did not at all refuse or decline to answer; I gave the reason why I did not at the moment do so. Now I understand that the

Mr. Guthrie:

situation is changed on account of the attitude of my hon. friend who is now speaking: His Excellency will not come, so there will be abundant opportunity on Tuesday.

Mr. Woodsworth: I congratutlate the minister and the government on its good sense in affording an opportunity for the discussion of a most important problem. Now do we go on?

Mr. Bennett: I should think it would be desirable, in view of the statement made by the hon. gentleman, to discontine the debate at this hour of the night. It is quite clear that it will be impossible to prorogue before Sunday morning. I propose to move that the house adjourn until Tuesday morning at eleven oc'clock.

Mr. Woodsworth: I would remind the Prime Minster that he set a very good precedent several years ago for the action we are taking to-night.

Mr. Bennett: I should like to make it perfectly clear that His Excellency is prepared to come at any moment if he is asked to do so, but I will not take the responsibility of asking him to come to this chamber on Sunday morning. It would be within the law, but I will not ask that it be done.

While I am on my feet I should like to say that I took the responsibility, I think twice myself, and it was done once by another, to have the penitentiary items stand over because of the illness of the hon. member for Southest Grey (Miss Macphail) in order that she might have an opportunity to be present. The thanks that one gets for doing it are found in the observations she made to-night.

Miss Macphail: I thanked the Minister of Justice (Mr. Guthrie), on the first debate on this subject this session and I found I did it too soon. We have a very good precedent for the house not proroguing on Saturday night but being held over. I remember in 1920 the Prime

6 90

Mr. Guthrie:

[illegible] is changed on account of the attitude of my hon. friend who is now speaking. His Excellency will not come, so there will be [illegible] [illegible] on Tuesday.

Mr. [illegible]: [illegible] and the government on its [illegible] with sense in affording an opportunity for the discussion of a most important problem. How do we go on?

Mr. [illegible]: I should think it would be [illegible] [illegible] [illegible] possible [illegible] I suppose [illegible] House adjourn until Tuesday morning at eleven o'clock.

Mr. Woodsworth: I would remind the Prime Minister that he set a very good precedent several years ago for the action we are taking to-night.

Mr. Bennett: I should like to make it perfectly clear that His Excellency's purpose [illegible] but I will not [illegible] this chamber on Sunday morning. It would be within the law, but I will not ask that it be done.

While I am on my feet I should like to say that I took the responsibility, [illegible] to move the penitentiary items stand over because of the illness of the hon. member for Southeast Grey (Miss Macphail) in order that she might [illegible] to be present. The thanks that one gets [illegible] is the observations she made to-night. [illegible]

[illegible] two score. [illegible]

Miss Macphail:

Minister, then leader of the opposition, held the house over from Saturday to Monday, and it was then quite the thing to do. I do not propose to have on my shoulders the responsibility for holding it over, because I have sat here constantly ever since the item was discussed on Monday, knowing it had to come up again, I have stayed in the chamber ready to go on at any time, but it did not come on.

The Chairman (Mr. Smith, Cumberland): Shall the item carry?

Mr. Woodsworth: No, Mr. Chairman, the item does not carry.

Progress reported.

Amount required to carry out agreement between His Majesty and the municipality of the village of St. Vincent de Paul for extension of the present water and sewer systme connected with St. Vincent de Paul penitentiary, $3,000.

Mr. Woodsworth: There was undoubtedly on Saturday night some natural resentment in our not getting away, but it was perhaps hardly fair that the Minister of Justice should blame us for holding the house over. The fact is that we had a great deal of work to do. The Prime Minister had taken a chance on business being through by tem o'clock. The Liberals took their full share in discussing various items before we reached the estimates for penitentiaries. Under the circumstances it seemed to me that the only thing to do was to insist on securing fuller information from the minister than had het been given to the house. I recognixe clearly that the minister is not personally to blame for what we believe to be the bad conditions in Kingston penitentiary. However, under our procedure there seems to be no other way of getting at the facts than by insisting the the minister give us fuller explanation than the house or the country have yet received. I would point out that the prisoners are the most defenceless class in the community. They have been deprived of the ordinary rights of citizentship. They have no means of makin their grievances known to this house. They have even been deprived of the rights of normal ordinary human beings.

An hon. Member: They are not normal human beings.

Mr. Woodsworth: That is true, but I say, being deprived of the right of normal human beings it seems to me that that is all the more reason why we should see that no injustice is done to them. I think every one recognizes the difficulty of getting at the facts in a matter of this kind. On the one hand there is not the slightest doubt that we must discount the statements that come from ex-convicts; they

July 3, 1934. (pp 4600)

Mr. J. S. Woodsworth:

are likely to be biased. But on the other hand I am coming to believe that we must discount to a considerable extent the official statements, the official denials, because it seems to have been the policy more or less to whitewash under-officials. I hope that is not true, but again and again we have had statements made that everything was going very well, only to learn a few weeks later that thingw were not satisfactory at all. We were told a few days ago that the resignation of Colonel Meglughlin was enforced because he had not been doing satisfactory work. It seems to me that that is hardly sufficient in view of the long history of trouble that there has been at that penitentiary. There are many who feel that in this case Colonel Meglughlin has been made the goat for inefficiency on the part of other officials, or perhaps for the lack of proper policy on the part of the department. It is for these reasons that we in this corner urge the appointment of a royal commission. We believe that this situation ought to be cleaned up. We believe that the public have the right to know the actual situation. It is difficult, as I have said, for the public to get accurate knowledge either from those who have been in the penitentiary or on the other hand from officials whose positions may be at stake. It is only by sending in absolutely impartial investigators that we shall get satisfactory results. Furthermore we urge that the time has come when there should be general consideration of the whole question of criminals. Other countries in the past have treated criminals more or less as we are doing to-day. Great Britain is an outstanding example of a country which at last realized that something was necessary. A royal commission was appointed, following which certain definite lines of reform were introduced; it is not necessary to go into that now. But if Great Britain found it necessary to make a thorough investigation

July 9, 1924. (secret.)

Sir. A. Chamberlain.

are likely to be closed. But on the other hand, we cannot be
believe that we can plead as a justification for official
statements, the official details, because it seems to have been the
policy more or less to whitewash under-officials. I hope that in
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everything was going very well, only to learn a few weeks later that
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Colonel Meighughlin has been made the goat for inefficiency on the
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the part of the department. It is for these reasons that we in this
paper urge the appointment of a royal commission. We believe that
this situation ought to be cleared up. We believe that the public have
the right to know the actual situation. It is difficult, we know
well, for the public to get reasonably accurate information
here now. In the meantime we do not think there can be taking place
anything but a crisis. It is not by [illegible] in ordinary
commercial transactions that we can get any satisfactory results.
Furthermore we urge that the time has come when there should be
general consideration of the Sinn Fein question as a whole.
Nothing is the most here treated critically here as it is at the
[illegible] today. Great Britain is an outstanding example of a country
which has just realized that [illegible]. A royal
commission was recently held, talking [illegible] Irish
[illegible] were interested. It is not necessary to go into that now. But
it seems quite clear it necessary to have a thorough investigation

Mr. Woodsworth:

and to reform the whole policy of dealing with prisoners, I think it is high time that we in Canada should follow suit.

I take it that in a general way crime is the result either of heredity or of bad environment. If it is a result of heredity perhaps the time has come that we must consider whether we should go on producing criminals, whether there should not be some effort made in the case of bad straines wither to segregat or to sterilize those who may produce criminals.

Mr. Bouchard: To apply quotas.

Mr. Woodsworth: No, My hon. friend behind me is making light of the question. I say that anyone who has made any study of heredity knows that there are people who are subnormal and some proportion of whose descendats will be subnormal. In that case it seems to me a crime that we should permit those people to propagate. Either they should be sterlized or segregated so that they could not produce children. I am not discussing to-day which course should be taken. But we have in our prisons large numbers of people who, if I may use the phrase, are born criminals. It is high time to remedy that situation. When men are known to be criminals, incorrigible as the minister points out, it seems to me that these men ought not to be turned loose again in the community after a few years' sentence. It is not that I would make the punishment more severe, but I would provide more effectively for the protection of society. If they are really incorrigible they ought never to be released. They may be treated with kindness and fairness, but they should be kept always apart from other members of society and not allowed either to injure society or to reproduce their kind.

But I take it that the great majority of prisoners are criminals not because of bad heredity but because of certain bad

Mr. Woodsworth:

and to reform the whole policy of dealing with criminals. I think it is high time that we in Canada should follow suit.

I take it that in a general way crime is the result either of heredity or of bad environment. If it is a result of heredity perhaps the time has come that we must consider whether we should go on producing criminals, whether there should not be some effort made in the case of bad strains either to segregate or to sterilize those who may produce criminals.

Mr. Goodfield: To apply quotas.

Mr. Woodsworth: No. My hon. friend behind me is making light of the question. I say that surely she has made any study of heredity knows that there are people who are abnormal and some proportion of whose descendants will be abnormal. In that case it seems to me a crime that we should permit those people to procreate. Either they should be sterilized or segregated so that they could not produce children. I am not discussing the way which should be taken. But we have in our prisons large numbers of people who, if I may use the phrase, are born criminals. It is high time to remedy that situation. When men are known to be criminals, incorrigible as the minister points out, it seems to me that those men ought not to be turned loose again in the community after a few years' sojourn. It is not that I would make the punishment more severe, but I would provide more effectively for the protection of society. If men are incorrigible they ought never to be released. They may be treated with kindness and fairness, but they should be kept always apart from other members of society and not allowed either to injure society or to perpetuate their kind.

But I take it that the great majority of prisoners are

Mr. Woodsworth:

influences and surroundings. There is no doubt that when we have a large volume of unemployment the curve of crime goes up. That indicates a close connection between unemplyment and crime. It would seem to me that the thing for us to do is not to build bigger and better prisons but rather to study closely the conditions that produce crime. Then coming to the individual, I do not think the treatment for criminals should be the same in every case. I know of boys being sent to reformatories, without the superintendent in charge being given any indication at all by the judge as to the boy's backgroudn, but only the statement of the crime committed. In the case of one boy it might be a first offence, with another it might be the result of very bad environment, and with another almost a chance occurrence. The treatment should vary accordingly.

So I urge that we have a royal commission to sutdy not merely the actual situation in Kingston penitentiary but also to put us in the way of adopting more modern and humane and intelligent methods of dealing with criminals.

The minister the other day very definitely accepted responsibility for the recent punishment of a number convicts. It seems that on the occasion of the visit of the Governor General to Kingston there was what the minister characterized as a noisy outbreak. As a result twenty-two men were awarded corporal punishment. Two of them, I think the minister said, were found to be medically unfit to sustain this punishment; the others got what is knownas the paddle. I would submit that such severe punishment, if it is ever necessary, should be reserved for very seious crimes, and not be inflicted merely for breaches of prison discipline. I think if any of us were imprisoned and thus deprived of our libertyk and felt that there was a grievance--as these men felt there was a great grievance, and as it has been

influences and surroundings. There is no doubt that when we have a large volume of unemployment the curve of crime goes up. That indicates a close connection between unemployment and crime. It would seem to me that the thing for us to do is not to build bigger and better prisons but rather to study closely the conditions that produce crime. Upon coming to the individual, I do not think the treatment for criminals should be the same in every case. I think it may pay to have reformatories, without the superintendent in charge being given any jurisdiction at all by the judge as to the judge's sentence, but only the statement of the crime committed. In the case of one boy it might be a first offence, with another it might be the result of very bad environment, and with another almost a chronic occurrence. The treatment should vary accordingly.

So I urge [illegible] a royal commission to study not merely the actual situation in Kingston penitentiary but also to put us in the way of adopting more modern and humane and intelligent methods of dealing with criminals.

The minister the other day very definitely indicated responsibility for the recent punishment of a number convicts. It seems [illegible] the action of the inmates [illegible] there was what the minister characterized as a mutiny outbreak. As a result, twenty-six men were [illegible] of them, I think the minister said, were found to be medically unfit to remain in this penitentiary. [illegible] what is known the cooler. I would submit that also serious punishment. If it is ever necessary, should be reserved for very serious crimes, and not for [illegible] of crimes. I think if any of us were [illegible] and have developed of our liberty and felt that there was a grievance--we knew we felt there was a grievance, and as it has been

Mr. Woodsworth:

since acknowledged that there was a grievance,--we would take whatever means we had at our disposal to being that grievance to the notice of the public. The fact that they beat some tin pans or did something of the sort when the Governor General was in Kingston was no very serious crime; it was merely a natural way of calling their grievances to the attention of the public, and I do submit that the very severe form of punishment known as paddling was altogether too drastic for such infringment of the prison regulations.

The minister told us that recently attempts were made to give the prisoners outdoor exercise, which developed into Sunday games to which the church goers took objection; they did not want to hear this noise on the Lord's day. It does occur to me, Mr. Chairman, that if people in the vicinity objected to the noise on the Lord's day the officers in charge very easily might have altered the time for these outdoor exercises or this recreation to some other day than Sunday. Most of the men are not workin steadily; it is merely a matter of adjustment of the ordinary routine of prison life, and to one on the outside it would seem that it might be possible to give reasonable outdoor exercise on some other day than Sunday. To me that little incident seems typical of the regimentation we have there, the inelasticity of the discipline, and the unnecessary harshness of prison routine.

Now I come to the charges made by Major Nickle which, since I read his letter the other day, he has said that he is quite ready to substantiate. The other day I suggested to the minister that these were so serious in their character that it seemed to me that if any of them were untrue he ought to make a definite categorical denial. Major Nickle says there is a form of pnishment under which men have their hands raised about their heads; they are shackled to the bars,

Mr. Woodsworth:

since acknowledged that there was a grievance, some could take whatever means we had at our disposal to bring that grievance to the notice of the public. The fact that they took some kind of did something of the sort when the Commissioner Conquest was in Kamloops serious crime; it was merely a natural way of calling their grievances to the attention of the public, and I do submit that the very severe form of punishment known as padding was altogether too drastic for such infringement of the prison regulations.

The minister told us that recently attempts were made to give the prisoners outdoor exercise, which developed into Sunday games to which the church people took objection; they did not want to hear this noise on the Lord's day. It does occur to me, Mr. Chairman, that if people in the vicinity objected to the noise on the Lord's day the difference in charge may easily which have allowed the outdoor exercise or this recreation to some other day than Sunday. Most of the men are not working actually; it is merely a matter of alignment of the prisoners in various ways. And as we are on the outside it would seem that it might be possible to give reasonable outdoor exercise on some other day than Sunday. To me that little incident seems typical of the reminiscence we have there, the inflexibility of the discipline, and the unnecessary severity of prison routine.

Day I gave the minister notice of some questions, since I read his letter the other day, he has said that he is quite ready to entertain them. The other day I suggested to the minister that there were certain in that structure which it seemed to me that it is my duty to bring to the House. I mean very serious charges. I make a definite accusation. Major Stubbs says there is a fund of information which was here

Mr. Woodsworth:

confined for seven or fourteen days and fed on bread and water.

Miss Macphail: That has been abolished.

Mr. Woodsworth: I should like to know if that punishment has been abolished, as my hon. friend from Southeast Grey suggests; if it has been abolished, I should like to knowwhen that was done. Was it abolished because of the protests of the prisoners? If it was considered right to abolish this form of punishment had not the protests of the prisoners real, substantial grounds, and why should we inflict upon them such severe punishment for protesting against what is now considered to be an altogether unjustifiable form of punishment?

I have already referred to paddlying, and the minister has said that paddling is not administered now except by order of the department. I should like to ask him whether there are very definite criteria by which he judges whether or not this punishment should be inflicted, or whether the appeal to Ottawa is perfunctory matter, as is so often the case in such affairs.

Further with regard to sanitary matters there is a very serious charge that people who have active syphilis bathe in the same tubs as other prisoners. I should like to ask definitely whether this situation has been altered and, if so, when. I cannot see that there ever could have been any reason for allowing a practice of this kind.

Further than that, have any real attempts been made at segregating youthful offenders? Some years ago some of us understood, when Collins Bay was being established, that it was for youthful offenders. Later I believe the minister denied that this was really the purpose, and stated that it was for certain preferred classes, The house will recall that a year or two ago attention had to be directed to the fact that apparently brokers were among the preferred

Mr. Woodsworth:

punished for seven or fourteen days and fed on bread and water.

Miss Macphail: That has been abolished.

Mr. Woodsworth: I should like to know if that punishment has been abolished, as my hon. friend from Cardiguan! They suggested if it has been abolished, I should like to know [illegible] abolished because of the protests of the prisoners? If it was considered right to abolish this form of punishment had not the members of the prisoners real, substantial grounds, and why should we inflict upon them such cruel [illegible] punishing [illegible] punishment is [illegible]

I have already referred to Mackinley, but his statistics has said that padding is not administered now except by order of the department. I should like to ask him whether there are very definite statistics by which to judge whether or not this punishment should be initiated, or whether the right to issue it in particular cases, or to [illegible] to work [illegible].

Further with regard to military matters there is a very serious thing that people are very [illegible] in the [illegible] [illegible] or other [illegible]. I should like to ask particularly whether this situation has been altered and, if so, when. I cannot see that there ever could have been any reason for allowing a practice of this kind.

Further than this, have any real attempts been made to [illegible] [illegible] adjusted from years-ago cases of so-called [illegible] [illegible] for [illegible] [illegible] I believe the minister denied that this was really the [illegible] [illegible] for [illegible] [illegible]. The issue will [illegible] that a year or two ago attention had to be [illegible]

Mr. Woodsworth:

classes, since they were placed at Collins Bay. I want to know whether, after all these years, during which royal commissions from time to time have made their reports and there have been protests in this house, there is any definite program before the minister with regard to segregating youthful offenders. Again Major Nickle says that of the total number of prisoners only some 125 are given a chance to learn a trade. Again and again it has been stated that at least on of the purposes of the penitentiary was to enable the criminal to become a respectable citizen once more. I wonder whether it is possible for men who are confined for several years, some of them for a greater number of years, to become respectable citizens and hope to again enter the normal life of the country if they are given no chance whatever to learn a trade while in the penitentiary. I know perfectly well that there are some difficulties in the way. A few years ago some of us were waited upon by some of the penitentiary officials asking that something should be done through which greater facilities for work might be afforded. I know there are certain difficulties in the ay, but I do not think they are unsuperable. With all the work that might be done in this country it seems to me some arrangement might be made under which the majority of the prisoners could learn trades or engage in sutiable work. It may be that nothing could be done with the hundred incorrigible s to bwhom the minister referred, but what about the other six or seven hundred prisoners, many of whom are young people, who to-day have no opportunity of fitting themselves for their future life outside the penitentiary walls?

Miss Macphail: And that is just one penitentiary.

Mr. Woodsworth: Yes; I am glad that my hon. friend reminds me that I am speaking of only one penitentiary. There are somewhat similar

Mr. Hoodsworth

closure, there has never closed at Collins Bay. I may be wrong, Warden, after all I have been talking about a type of something from time to time have made their appearance and there have been probably in this house, there is any definite program before the minister with regard to segregating youthful offenders. A min ler Nickle says that of the total number of prisoners only some 185 are given a chance to learn a trade. Again and again it has been stated that at least on of the purposes of the penitentiary was to enable the criminal to become a respectable citizen once more. I wonder whether it is possible for men who are confined for several years, some of them for a greater number of years, to be [illegible] to again enter the normal life of the country if they are given no chance whatever to learn a trade while in the penitentiary. I know perfectly well that there are some difficulties in the way. A few years ago some of us were invited upon by some of the penitentiary officials [illegible] facilities for work night in [illegible] difficulties in the way, but I do not think they are insurmountable. With all the work that might be done in this country it seems to me some arrangement might be made whereby men who [illegible] prison are could have trades on coming to [illegible]. I may be that nothing could be done with the hardest incorrigibles, to improve the minister referred, but what about the others who are [illegible] misdemeanants, many of whom are young yearly, are [illegible] to [illegible] mity of finding themselves [illegible] the penitentiary [illegible]

Mr. Hoodsworth: And that is just one penitentiary.

Mr. Hoodsworth: Yes; I am glad when my hon. friend reminds me that

Mr. Woodsworth:

conditions existing in other penitentiaries, though I think in some of the others more has been done in the way of providing outdoor work.

Then there is another specific charge with regard to one John O'Brien. It was stated that he had been in solitary confinement since 1931. I think the house is entitled to know whether he is still in solitary confinement and, why he was kept there during those years. It is a very serious matter especially, as I say, fro men who have no means of getting their grievances before the general public.

The we come to another question, that of political prisoners. The minister may say that we have no politicalprisoners in Canada, but I think that is a statement that can hardly be made good, because the seven communists who are in Kingston to-day, of whom I think two have been released recently because of poor health--

Mr. Guthrie: No, that is not so.

Mr. Woodsworth: I will leave the minister to explain the reason; I was giving him credit for kindhearedness.

Mr. Guthrie: Their health is good.

Mr. Woodsworth: In any case these communists are there because of their political beliefs. I am not going to deal with that clause of the criminal code under which they were arrested, except to say that under that clause a man need not be guilty of committing any overt crime. He need only belong to a party which advocates the use of force to being about political change. These men were not convicted of any overt crime. They were not charged with an overt crime. They were charged simply with belonging to an association which in turn was affiliated with another assoc iation which believed in force as a means of bringing about political change. I quite recognize that in mentioning the communists I immediately lay myself open to the criticism of being in sympahty with them. I have stated again and

Mr. Woodsworth:

conditions existing in other penitentiaries, though I think in some of the others more the case than in the way of securing medical work.

Then there is another specific charge with regard to one John O'Brien. It was stated that he had been in military service since 1901. I think the house is entitled to know whether he is still in military establishment and, why he was kept there during these years. It is a very serious matter especially, as I say, for men who have no means of getting their grievances before the general public.

The we come to another question, that of political criminals. The minister may say that we have no political prisoners in Canada, but I think that is a statement that can hardly be said good, because the seven communists who are in Kingston to-day, of course I think two have been released recently because of good behaviour--

Mr. Guthrie: No, that is not so.

Mr. Woodsworth: I will leave the minister to explain the reason; I was giving him credit for kindheartedness.

Mr. Guthrie: Their health is good.

Mr. Woodsworth: In any case these communists are there because of their political beliefs. I am not going to deal with that clause of the criminal code under which they were arrested, except to say that under that clause a man need not be guilty of committing any overt crime. He need only belong to a party which advocates the use of force in being about political change. These men were not convicted of any overt crime. They were not charged with an overt crime. They were charged simply with belonging to an association which in turn was affiliated with another large party which believed in force as a means of bringing about political change. I quite recognize that in sentencing the communists I immediately lay myself open to the criticism of being in sympathy with them. I have stated again and

Mr. Woodsworth:

and again in this House of Commons, and I wish to state once more that I have no connection whatever with the communist party and no sympathy with the tactics they pursue. Further, let me point out that according to a report in the Toronto Daily Star of Monday, February 19, Mr. A.E. Smith stated at Massey Hall that representatives of the Cooperative Commonwealth Federation in the House of Commons were responsible for the charges of sedition against him as they suggested to the Bennett government that by means of a charge of this nature they could dispose of their political enemies and not have to resort to section 98 of the criminal code. Needless to say, members of the Cooperative Commonwealth Federation in this house never gave any such advice to the Minister of Justice, nor have I ever held that in any sense of the word the Minister of Justice as responsible for the shooting at the cell of Tim Buck. I read the statement from the Toronto Daily Star simply to point out that hon. members in this corner of the house have been charged by the communists with bringing about the shooting. In this connection perhaps I should say Mr. Smith has stated he did not put it just that way. Very well; the fact is he never repudiated it. But whatever Mr. Smith actually did say, the communists have denounced us most bitterly. Notwithstanding that denunciation I urge that prisoners should not be treated as apparently the communists in Kingston have been treated. Unless we agree with the kind of thing Hitler has been doing in Germany within the last few days, I would say that political prisoners have a right to be protected, and that all people in Canada--Conservatives, Liberals and members in this corner--should try to retain the institutions of democracy and to resist the inrodds of anything like a dictatorship. If we are convinced that we must pursue democratic principles I think we must ask for the protection of political prisoners. Further than

Mr. Roosevelt:

and again in this Chamber of Commerce, and I wish to state once more that I have no association whatever with the personnel involved or sympathy with the inclusion they desire. Further, let me point out that according to a report in the Vancouver daily Sun of Friday, February 12, Mr. A.E. Smith stated at Nanaimo that the representatives of the Conservative Government in the House of Commons were responsible for the charges of subversion against the Liberals, quoted to the Commons yesterday that by means of a dossier of this nature they could discredit political opponents and our party is proud to associate ourselves with the Liberal party. Speaking on behalf of the Conservative Government, Prime Minister Diefenbaker in the House of Commons yesterday stated in the Minister of Justice, I have never, at any such debate in the House of Commons, or at any meeting in the country, or anywhere else, been charged by the Liberals with subversion. In this respective perhaps I should say Mr. Smith has stated in his not yet is just that was. They really the fact is he never associated it. Our members for, Smith -Nanaimo, the Conservative party, Conservatives that the government have concerned in most activity. Notwithstanding that democratic I make that politicians should not be treated in a democratic the Commonwealth is disgraceful been made. Indeed, my agree with the kind of vicious slander that been dealing in Saturday evening the last few days, I would say the political prisoners have a right to be protected, and that all people in Canada--Conservatives, Liberals and members in this Chamber--should say to remove the institution of democracy and to remove the lamplight of anything like a dictatorship. If we are convinced that we must oppose dictatorship wherever I think we must ask for the resignation of political prisoners. Further than

Mr. Woodsworth:

that we may very well consider whether or not it is wise to continue to have on our statute books laws under which men may be convicted merely for holding certain political opinions which are not generally accepted.

One of these communists, namely Tim Buck, had shots fired into his cell. There are nearly nine hundred prisoners in the penintentiary. How is it that the cell selected for the shooting was one in which there was a communist? That does look as if they have been singled out for this peculiar kind of treatment. The other day the minister admitted that eleven shots were fired into Buck's cell. I submit that that incident has a very ugly look. I believe our papers right across the country have expressed themselves as being definitely opposed to that kind of treatment, and they have urged that the situation be cleaned up.

The other day the minister gave us the impression--certainly he gave me the impression--that the shooting took place at the time of the riot on October 17. I understand--and I should like the minister to correct me if I am wrong--that the shots were not fired until October 20. There is a discrepancy which ought to be cleared up. If the big riot took place on October 17, it is very strange that a man should be shot at by the guards three days later.

Mr. Guthrie: There was a much bigger riot on October 20.

Mr. Woodsworth: I shall be glad to hear about that. I thought there was a riot on the 17th.

Mr. Guthrie: That was the start of it.

Mr. Woodsworth: From what, place were the shots fired? I am informed they were not fired from inside the penitentiary, but that they were fired from outside.

Mr. Guthrie: That is correct.

Mr. Woodsworth:

that we may very well consider whether or not it is wise to continue to have on our statute books laws under which men may be imprisoned merely for holding certain political opinions which are not generally accepted.

One of these communists, namely Tim Buck, had shots fired into his cell. There are usually nine hundred prisoners in the penitentiary. How is it that the cell selected for the shooting was one in which there was a communist? Did Buck look as if they were aiming at him for this peculiar kind of treatment. The other day the minister admitted that eleven shots were fired into Buck's cell. I admit that that incident was a very ugly look. I believe the papers right across the country have expressed themselves in words definitely opposed to that kind of treatment, and they have cried that the situation be cleaned up.

The other day the minister gave us the impression--certainly he gave me the impression--that shortly before the time of the riot on October 17. I understand--and I should like the minister to correct me if I am wrong--that the shots were not fired until October 20. There is a discrepancy which ought to be cleared up. If the big riot took place on October 17, it is very strange that a man should be shot at by the guards three days later.

Mr. Guthrie: There was a much bigger riot on October 19.

Mr. Woodsworth: I should be glad to have account that. I thought there was a riot on the 17th.

Mr. Guthrie: That was the start of it.

Mr. Woodsworth: From what, then were the shots fired? I am informed they were not fired from inside the penitentiary, but that they were fired from outside.

Mr. Guthrie: That is correct.

Mr. Woodsworth:

I hope the minister will clear up that matter. If there is a range of cells three stories high and there is one particular cell in which a prisoner is being confined, and if somebody outside marks that cell, and it is shot at, then I say that is a pretty deliberate act. It is a deliberate act, and rquires some explanation. What was the reason? The minister says the reason was to intimidate Tim Buck, and he states further that Tim Buck was exhorting the other prisoners to riot. I confess I am absolutely mystified by the contrast between the statement of the minister and the report of Judge Deroche, from which the hon. member for Southeast Grey read. In his judgment Judge Deroche said:

> The men (meaning the inmates) had for months and possibly years been asking for the removal of certain grievances which were in their minds, with little or no response.

Then he goes on to say:

> They now decided that on October 17, at three o'clock p.m. they would walk out of the shops and make a peaceful demonstration to impress the warden and through him Ottawa.

Then at page 7 he states:

> Then to go back to the cause of the riot. This peaceful demonstration which deveoped into a riot, was for the purpose of emphasizing the demands of the men for redress of certain grievances which had been long and repeatedly denied them. Many of the grievances for which this demonstration was staged have already been granted to the men, proving conclusively to my mind that those demands must have been reasonable.

We have now from the Minister of Justice an entirely different view being conveyed to the house. At page 7 of the judgment Judge Deroche, with regard to Tim Buck, states as follows:

> Buck told them--
>
> That is the prisoners.
>
> --that the soldiers would not hurt them if they did no violence to person or injury to property.

Then again:

Mr. Woodsworth:

I hope the minister will listen to this matter. If there is a twelve or twelve twelve twelve and there to see particular well in which a minister is being criticized, and if somebody outside says that well, and it is true so, then I say that is a pretty difficult act. It is a difficult act, and requires some explanation. That was the reason. The minister says the person was to intimidate Tim Buck, and he states further that Tim Buck was supporting the labor candidate in-stead. I believe I am absolutely justified by the contrast between the statements of the minister and the report of Judge Drake, from which the hon. member for Stanley read. In his judgment Judge Deroche said:

> The man (meaning the informer) had for months and seemingly years been seeking for the realization of mistaken grievances which were in their minds, with little or no response.

Then he goes on to say:

> They now decided that on October 17, at three o'clock p.m. they would walk out of the mines and make a peaceful demonstration to impress the warden and through him Ottawa.

Then at page 7 he states:

> Then to go back to the cause of the riot. This peaceful demonstration which developed into a riot, was for the purpose of acquainting the warden of the non-fulfilment of promises of improvements which had been long and repeatedly denied them. Many of the grievances for which this demonstration was staged have already been granted to the men, proving conclusively to my mind that these demands must have been reasonable.

We have now from the minister of justice an entirely different statement coupled with the facts. At page 7 of the judgment Judge Deroche, with regard to Tim Buck, states as follows:

> Buck told them--
>
> That is the grievance.
>
> --that the soldiers would not hurt them if they did no violence or injury to property.
>
> Then again:

Mr. Woodsworth:

When it was announced that the soldiers were coming, one of the men, Tim Buck, advised the men that the soldiers could not or would not hurt them so long as they did no damage to property or violence to anyone, and instructed the men to gather pails of water and barricade the door, expecting to stand siege.

It is a very curious thing if, as is stated by the judge, Tim Buck took that stand and made those statements, that his cell should be selected three days later as the one into which were to be poured eleven shots. I remember in our childhood days we used to read the tales of Fenimore Cooper, and we learned it was the practice of the Indians in the olden days to tie a captured enemy to a tree and to fire arrows at him seeing who could come nearest his head without hitting him. It looks to me as if this practice has been translated into the more modern method of putting a man into a cell, caging him up and then firing at him. Surely human beings are not animals. I do not think there is a single sportsman in this house who would undertake to shoot an animal by caging it up in a cell and then firing at it. There is something that needs explanation and I would ask the minister when he speaks to say very definitely who gave the order to fire. I do not think the minister himself did, but he is the responsible official, the head of the department, and it is possible for him to ascertain who gave the order. I think it is right that he should tell this house who gave the order to fire. If no such order was given I would ask, have the guards who fired those eleven shots been arrested and disciplined? Take the minister's own statement when he said that Tim Buck had been fired at. He said:

> Buck was one of those who were encouraging the disorder. At the door of his cell he was making speeches and encouraging the rioters, and for the purpose of frightening him, I suppose, or cowing him, certain guards fired into the ceiling of his cell.

I suppose that somebody knowing he was at the door of his cell must have given the order to fire, and they chased away around outisde the walls and then from outside the walls they fired up at him. I do not know very much about criminal trials but that does

July 3, 1924 (morning)

Mr. Footscraym

When he was arrested the jailers were sealing, one of the men, the Irish, advised the men that [illegible] as long as they did not [illegible] violence to anyone, and instructed the men to gather pails of water and barricade the door, expecting to stand siege.

It is a very serious thing if, as is stated by the jailer, the day that that board and many other statements, that his call should be selected three days later as the one into which were to be poured slaver hands. I remember in our criminal days as soon as [illegible] the take of Dartmoor Gaoler, and as lawyer I was the prosecution of the Indians in the Indian Gaol to sit a [illegible] and to fire revolvers at his sending you could come carrying his head without visiting him. It looks to me as if this provision has been inserted into the more modern method of getting a man into a cell, engaging him so and then firing at him. Surely human beings are not [illegible]. I do not think there is a single witnesses in this house who would undertake to shoot an animal by coaxing it up in a cell and then firing at it. There is something that needs explanation and I would ask the minister when he speaks to say very definitely who gave the order to fire. I do not think the minister himself did, but he is the responsible official, the head of the department, and it is terrible for him to [illegible] the image. I think it is right that he should tell this house who gave the order to fire. If he said I would ask the house to give I would say, in the great [illegible] [illegible] stamped and disgusted. This the minister's own statement when he said that the Chief had been fired at. He said [illegible]

Such was one of those [illegible] and disorder. As the [illegible] of his cell he was making a gesture and [illegible] the minister [illegible] the purpose of frightening him, I suppose, or coaxing him, certain guards fired into the ceiling of his cell.

I suppose that [illegible] [illegible] of the door of his cell were given the order to fire, and they shaved [illegible] [illegible] the walls and then from outside the walls [illegible] [illegible] [illegible] very much about criminal trials and that does

Mr. J.S. Woodsworth:

not seem to me a very natural sort of procedure. I could understand a guard in desperation perhaps firing into a crowd, but why some of the guards should go away around outside the walls and fire eleven shots into a prisoner's cell is an absolute mystery to me. The minister said:

> At the door of his cell he was making speeches and encouraging the rioters, and for the purpose of frightening him, I suppose, or cowing him, certain guards fired into the ceiling of his cell. There can be no doubt that if any man had wanted to shoot Tim Buck he could have done so . The very fact that ten or eleven shots were fired and there was no harm to Tim Buck shows that they were not trying to hit him. He was there for anybody to shoot.

That is an astonishing statement for the minister to make, that a convict was in his cell for anybody to shoot.

Mr. Guthrie: If there had been any intention of doing so, and there was not.

Mr. Woodsworth: Well, I hope there was not, but the question still remains, who gave the order to fire? If the firing was done by guards without orders, then I ask have those guards been disciplined? It w would seem to me that when guards are sometines dismissed for minor offences, or without reason given, it would surely be a reason for dismissal if guards in a responsible position should on their own responsibility fire into a cell. But if the orders to fire were given, I should like to know what official gave those orders and when it became the practice in our prisons to adopt this form of intimidation. It is bad enough to flog a man, but surely it is not, even in European prisons, a customary means of punishment that guards can go outside the prison walls and take pot shots at a cell in which a politicalprisoner is confined. The whole matterhas a very ugly look, and I hope for the sake of his own dep rtment as well as for the credit of the institution and the man at the head of it, that the minister make a statement that will clear up this matter.

Mr. Woodsworth:

May I ask a very pertinent question. I would endeavour to speak in description of a person. All the time of guards should go away around outside the walls and fire shoots into a prisoner's cell is an absolute mystery to me. The minister said:

At the door of his cell he was meeting accidents and encountering his friends, and for the purpose of frightening him, I suppose, or causing him, certain guards fired into the ceiling of his cell. There can be no doubt that if my own lad wanted to scare him he could do it. The cell that was or shooting were fired and there was no harm to him. Mr. Speaker, what they were not trying to hit him. He was there for anybody to see it.

That is an astonishing statement for the minister to make, that a convict was in his cell for anybody to shoot.

Mr. Speaker: If there had been any intention of doing so, and there was not.

Mr. Woodsworth: Well, I hope there was not, but the question still remains, who gave the order to fire? If the firing was done by guards without orders, then I ask have those guards been disciplined? It seems to me that when guards are committing disorders for minor offences, or without reason given, it would surely be a reason for discipline. Guards in a penitentiary should on their own responsibility fire into a cell. But if the orders to fire were given, I should like to know when official gave those orders and when it became the practice in our prisons to adopt this form of intimidation. It is bad enough in jail a week, but surely it is not, even in Kingston prisons, a necessary course of intimidation that guards should fire the prison walls and cells. The minister's a very highly political-minded gentleman. He is a very highly learned, and I think for the sake of his own as well as for the credit of the institution and the land of his, that the minister make a statement that will clear up this matter.

Before I sit down I once more want to appeal to the minister, and I wish the Prime Minister were in his seat so I might appeal to him, that on the groudns of humanity we should not longer delay having a very careful inquiry into the situation, and further than that, that the government appoint a board or commission of very able men, men of experience and humanitarian views, to inquire into the whole matter of prison reform.

Mr. Elliott: Mr. Chairman, I want if I may to say just a word on this matter. Having had some considerable experience in connection with matters of this kind as crown attorney and prosecuting attorney for the county in which I live, I know something of both sides of this very difficult question. On the one hadn crime must be put down in this country, and the people are entitled to protection against it. It is a very difficult matter to know when prosecuting criminals and dealing with them just when you can apply mild methods and when you must resort to the most rigorous methods possible. I happen to come from a section of the country where unfortuantely most of the men who are in the penitentiary cannot say they are there because I defended them. On the contrary, I contributed when I was doing that kind of work to a good number going to these insitutions. I do not know that men in question in this particular case, but I do want to say to the minister that I know something of his difficulties, and yet there is throughout the section of the country in which I live a very strong feeling that perhaps the possibilities of saving some of those who are not past saving are not being utilized to the best advantage in Kingston at the present time.

Mr. Cantley: How would you save them?

Mr. Elliott: I would say to my hon. friend, because I know he is humane, that he is not anxious that the younger men particularly should lose all chance of again becoming good citizens. I am sure

Before I sit down I once more want to appeal to the minister, and I wish the Prime Minister were in his seat so I might appeal to him, that in the question of humanity as well as from sheer sanity having a very careful inquiry into the situation, and further than that, that the government appoint a board or commission of very able men, men of experience and humanitarian views, to inquire into the whole matter of prison reform.

Mr. Elliott: Mr. Chairman, I want if I may to say just a word on this matter. Having had some considerable experience in connection with matters of this kind as crown attorney and present the attorney for the county in which I live, I know something of both sides of this very difficult question. In the one case, if we put down in this country, and our jails are provided by provincial authorities, it is a very difficult matter to know when professional criminals are dealing with them just when you can apply mild methods and when you must resort to the most rigorous methods possible. I happen to come from a section of the country where unfortunately most of the men who are in the penitentiary cannot say they are there because I defended them. On the contrary, I contributed when I was doing that kind of work to a good number going to that institution. I do not know that men in question in this particular case, but I do want to say to the minister that I have confidence in the MACKENZIE, and yet there is throughout the section of the country in which I live a very strong feeling that serious the MAGISTRATES of prison sons of those who are not past saving, are not being utilized to the best advantage in Kingston at the present time.

Mr. Cahill: Are which you are speaking

Mr. Elliott: I would say to my hon. friend, remember I have to be careful, that is not exclusive that the prisons are particularly should take all phases of crime between and minimum. I do not

Mr. Elliott:

that no one in the house would regret that more than my hon. friend, and there are a good number of these young men who are sent to the penitentiary who I do not believe shoudl be allowed to associat with the hardened criminals. I believe it is possible to reclaim them by giving them a chance again to be come good citizens, and if we err I think we should err on that side. Just where to draw the line it is difficult to say. It is pretty hard to draw the line between being too lenient towards somebody who will afterwards turn out to be a murdereer and those who will profit by the chance that is given them.

But I would say this to the minister in just the minute I intend to devote to the subject, that I do think that an investigation by a royal commission into this matter would do a great deal to clear the air and would be in the interests of everybody concerned, including the minister himself and thos who are associate with him in the administration of that institution.

At one o'clock the committee took recess.

Mr. Guthrie: Before entering into a discussion of penitentiary matters I want to correct one impression which I think was caused by my hon. friend from Southeast Grey (Miss Macphail) and also the hon. member for Winnipeg North Centre (Mr. Woodsworth), in the discussion Saturday night. The hon. member for Southeast Grey said:

> Unfortunately it always happens that the penitentiary items come up at the very close of the session. I have sat through this talk and a good deal that might have been better left unsaid, and I intend to-night to take up as much time as I would two weeks before prorogation.

The penitentiary items were under discussion in this house in March and again in May for a short time, but my anxiety was to have these items discussed immediately after Easter, and on three occasions the hon. member for Battle River (Mr. Spencer) came and asked me to postpone them as a matter of convenience to the hon.

Mr. Elliott:

What he was in the house would regard that data from an Hon. Friend, and there are a great number of times when he was back in the penitentiary and I do not believe should be allowed to associate with the hardened criminals. I believe it is possible to rehabilitate them by giving them a chance again to be some good citizens, and if so any I think we should act on that risk. Just where to draw the line is difficult to say. It is really hard to know the line between being the honest hardworking man will afterwards have had an hard moderator and those who will profit by the reason that he gives.

But I would say this to the minister in just the minute I listened to Mr. Mayers in the debate, that I do think some investigation by a trust qualifies inc. this matter would do a great deal to allay the fear that would be in the interests of everybody concerned, including the minister himself and those who are associate with him in the administration of that institution.

At one o'clock the committee took recess.

Mr. Speaker: Before adjourning into a discussion on matrimony matters I want to announce an interesting event which I plan was carried by my friend from Dauphin Mr. Paul Ewanchuk and also the hon. member for Minnedosa Mr. Jack Wheeler, in the assembly Saturday night. The hon. member for Swanflower Grey said:

Fortunately it always happens that you are unnecessarily issue made up at the very close of the session. I have an - I would say that a good deal that might have been better left unsaid, and I intend to-night to be back to as much as I would be seeing before proposition.

The penitentiary items were under discussion in this house in March and again in May for a short time, but my anxiety was to have items discussed immediately after Easter, and on three occasions the hon. member for Battle River (Mr. Spencer) came and asked me to postpone them as a matter of convenience to the hon.

member for Southeast Grey, the hon. member for Winnipeg North Centre and the hon. member for Kingston City (Mr. Ross) and I agreed to do so. That is the reason they have been delayed, not with the idea of limiting or of avoiding discussion, because I am in the happy frame of mind that I invite discussion in regard to penitentiary matters and these estimates to the fullest extent.

If I may be permitted, I shall try to deal with the various questions that have a risen in the discussion, in the order in which they have been brought up. I notice the hon. member for Kingston City is not in his seat but I have quite a distict recollection of his remarks of a few days ago and also on Saturday night in regard to penitentiary management. Not only during the present session but on former occasions he has expressed a very deep interest in regard to what I might term the youthful prisoners who are to be found in the penitentiairèes of Canada. He has made a considerable study of the penitentiary system, particularly with reference to youthful offenders, and he has some excellent ideas on the subject. But I have this to say with regard to statements which he has made in the house, that the instances which he has cited of boys of fifteen and the like, who have been sent to penitentiary wnd who have subsequently turned out very grave offenders and hardened criminals, do not pertain to present day conditions. I thingk the instance he cited of a boy of fifteen occurred some fifteen or twenty years ago and the description he gave of punishment cells in the prison where prisoners became insane and of the horrible conditions said to exist pertained, I believe, to a period between thirty and forty years ago; but the impression left upon some hon. members was to the effect that such conditions pertain to-day. I mention these matters only to clear up the present position because the hon. member for Kingston City did not make it clear that

Mr. Gobeil:

member for Rouleau-Grey, the hon. member for Kingsway North-Centre and the hon. member for Kingston City (Mr. Ross) and I agreed to do so. That is the reason they have been delayed, not with a view of limiting or at all affecting discussion, rather I am in sympathy from of mind that I invite discussion in regard to particularly matters and have confidence in the Indian groups.

I may be permitted, I might say in this way in regard to previous discussions in the House, in the press in Canada that have been brought up. I mention the Kingston City in not in the last two I have taken a special responsibility in the remarks of a few days ago and also on Saturday night in regard to penitentiary conditions. The only during the consideration of on former occasions he has expressed a very deep interest in penal what I might term the political prisoners who are to be found in the penitentiaries of Canada. He has made a conscientious study of the problem generally, particularly with reference to penal institutions, yet he has modified some in the studies. But I have this to say with regard to statements which he has made in the house, that very grave offenders and hardened criminals, do not certain to present the conditions. I think the Minister is aware of the fact that several some fifteen or twenty years ago and the conditions do have at penitentiary prior in the prison where prisoners became insane on the conditions said to exist pertained. I believe, to a certain extent in twenty and forty years ago; but the treatment left much more than desired and in the future they will not be in the same position.

Perhaps some mistake in this regard can be cleared up if the Minister and hon. member for Kingston City (Mr. Ross) would

Mr. Guthrie:

the conditions to which he referred do not pertain to-day.

In regard to youthful offenders confined in the penitentiaries I may say that under the law of this country, where a youth under sixteen years of age has committed an offence, he is sent to one of the reformatories or provincial institutions which are scattered throughout Canada. It is only when a youth has been a prisoner in these institutions and has proved to incorrigle and beyond control that a trial judge or magistrate is entitled to sentence him to Kingston or some other penitentiary. Since I have been Minister of Justice there have been cases where youghts under sixteen have been sentenced to penitentiary, but fortunately in the Penitentiary Act there is a clasue which provides that on receipt of a youth under sixteen the minister may forthwith remove that youth to a provincial institution, and in all the penitentiaries of Canada there is not to-day a single case of a youth under sixteen. Two cases have come up since I have been Minister of Justice and in both of them they were removed to provincial institutions.

In regard to these between sixteen and eighteen years of age who have had no previous conviction, we have at the present moment two in St. Vincent de Paul, found guilty of armed robbery and sentenced by the judges of the courts of Quebec to seven years' imprisonment; we have two in British Columbia convicted and sentenced by the courts of the province to five years each, and we have one there convicted of the crime of perjury. That makes five. These lads have had no previous conviction and they are between sixteen and eighteen years of age. In Dorchester, New Brunswick, we have two convicted on charges of stealing and sentenced to two years. There is a special reason int the maritimes for the two-year sentence. Probably in Ontarion or some of the other provinces the sentence would have

In regard to youthful offenders confined in the penitentiaries I may say that under the law of this country, where a youth under sixteen years of age has committed an offence, he is sent to one of the reformatories or provincial institutions which are maintained throughout Canada. It is only when a youth has been a prisoner in these institutions and has reached an unmanageable and repeat boisterous time of youth that he is MANDATORY to be committed for a term of years to a penitentiary or some other penitentiary. Since I have been Minister of Justice there have been about seven persons under sixteen years committed to penitentiary, but fortunately in the Penitentiary Act there is a clause which provides that on receipt of a youth under sixteen the minister may forthwith remove that youth to a provincial institution, and in all the penitentiaries of Canada there is not to-day a single case of a youth under sixteen. Two cases have come to my knowledge I have been Minister of Justice and in both of them they were removed to provincial institutions.

In regard to those between sixteen and eighteen years of age who have had no previous conviction, we have at the present moment in my Ministry an Act, second reading, which provides that a youthful offender may be sent by the judge of the county or district to a reform school or to the Ontario Children's Aid Society. At the moment the maximum is five years to five years each, and we have one there convicted of the crime of perjury. That makes five. These lads have had no previous convictions and they are MANDATORY sentences for the full term. In Vancouver, New Westminster, New Brunswick, we have two convicted on charges of assault and sentenced to two years. There is a special reform for the municipal prisoners. Everything is done to keep the municipal prisoners from contact with criminals. Everything is done to keep the other prisoners from contact with criminals.

Mr. Guthrie:

been two years less one day, which would have allowed them to go to some of the provincial reformatories, but the maritime provinces are not will equipped with regard to reformatories. In Dorchester there is one between sixteen and eighteen years of age convicted of armed robbery, one convicted of manslaughter and sentenced to eight years, and one convicted of carnal knowledge of a child and sentenced to threeyears. That makes ten in all between sixteen and eighteen years of age throughout the Dominion of Canada. I find I have made a mistake; I did not give the proper total in regard to those under eighteen years age because I find in St. Vincent de Paul there are nineteen under that age. The resson for that is that the provincial prisons in Quebec are not such as they are in Onta rio and magistrates and judges sentence for the two year term in order to confine the prisoners in the penitentiaries rather than in the provincial gaols.

Between the ages of eighteen and twenty-one there is a total of 364 prisoners in Canada, as follows:

PENITENTIARY:	NUMBER
KINGSTON	33
ST. VINCENT DE PAUL	141

Again no doubt owing to the fact that they have no provincial prisons such as there are in Ontario.

PENITENTIARY:	NUMBER
DORCHESTER	50
MANITOBA	38
BRITISH COLUMBIA	34
SASKATCHEWAN	21
COLLIN'S BAY	18
PIERS ISLAND; DOUKHOBOR PRISON	29

So that we have a total of 364 between eighteen and twenty-one years of age, forty-five between sixteen and eighteen and none under the age of sixteen in any penitentiary in Canada. I am giving these figures for the information of the hon. member for Kingston City and for general information.

Mr. Guthrie:

been two years last one day, which could have allowed them to do so
some of the provincial reformatories, but the machine operators are
not willing supposed also people to volunteerings. In Kamloops there
is one between claims, but although very of the provinces of Canada
Alberta, the province of Saskatchewan and Manitoba in fact there
and are specialist of social Guardians of a child has commenced to
investigate. They make two in all between Alberta and Eastern Canada
of age throughout the Dominion of Canada. I find I have made a mistake;
I did not give the proper total in regard to those under eighteen years
age because I find in it. Figures do not show there are children under
that age. The reason for that is that the provincial prisons in
Quebec are not used as they are in Ontario and Saskatchewan and Alberta
attendance for the two year term in order to confine the prisoners in
the penitentiaries rather than in the provincial goals.

Between the ages of eighteen and twenty-one there is a total
of 464 prisoners in Canada, as follows:

PROVINCE:	NUMBER
Ontario	95
Quebec	143

Again on these ratios as the total just given here in comparison

Please read in county and in detail.

TWENTIAN:	NUMBER
Quebec	95
Manitoba	36
British Columbia	24
Saskatchewan	21
Prince's Bay	12
Alberta Indian Industrial School	8

So that we have a total of 464 between sixteen and twenty-
one years of age, forty-five between sixteen and eighteen and
under the age of sixteen in our reformatory in Ontario. I am giving
these figures for the information of the Committee and for
their and for general information.

Mr. Guthrie:

My hon. friend's next criticism or complaint was in respect to dismissals of officials from the staff of Kingston penitentiary. I admit there have been dismissals or retirements from the staff of that institution and I am sorry to say that in a great number of cases those officials have been residents of Kingston, and many of those dismissals or retirements have netmet with the approval of the hon. member for Kingston City. I can only assure him that any such action taken to change the staff of that institution has been taken without regard to friendship or politics or anything else, but solely with object of improving the penitentiary staff. I am inclined to think, from what I know of the matter, that these changes were necessary and improvement has resulted. There has been only one dismissal of a senior officer: a shoemaker instructor who was not considered fit for the work allotted to him and who had not control of the men placed in his charge. There were seventeen officers of various standing retired to promote efficiency. That means that there may have been no positive wrong doing on their part; there may have been no culpable act. They may not have been found asleep on duty or trafficking with prisoners and the like, but they were not suited to the job. It is not a position that appeals to a great many people; it is a very difficult position. Seventeen were retired from that staff to promote efficiency. Two were retired on account of age, having reached the age of sixty-five. One was retired and marked unsuitable after one month's trial. That makes a total to May 31, 1933, of twenty-one.

to dismissals of officials from the staff of Kingston Penitentiary. I admit there have been dismissals or retirements from the staff of that institution and I am sorry to say that in a great number of cases those officials have been residents of Kingston, and many of those dismissals or retirements have come with the approval of the hon. member for Kingston City. I can only assure him that any such action taken to change the staff of that institution has been taken without regard to friendship or politics or anything else, but solely with object of improving the penitentiary staff. I am inclined to think, from what I know of the matter, that those changes were necessary and improvement has resulted. There has been only one dismissal of a senior officer: a shoemaker instructor who was not considered fit for the work allotted to him and who had not control of the men placed in his charge. There were seventeen officers of various training years in Kingston Penitentiary. That does not mean there may have been no positive work doing on their part; there may have been no culpable act. They may not have been found asleep on duty or trafficking with prisoners and the like, but they were not suited to the job. It is not a position that appeals to a great many people; it is a very arduous position. Seventeen were retired from that staff in Kingston Penitentiary. The hon. member has referred to a lady employed 20 years of age or thereabouts. She was retired and arrangements made for her support. The total number retired to May 31, 1933, of twenty-one.

Mr. Guthrie:

During the year 1933-34 the following retirements took place in Kingston penitentiary:

Dismissals of guards for trafficking with prisoners....	2.
Asleep on duty.....	1.
Neglect on duty.....	1.
Guard convicted of indictable offence.....	1.
	5

Retired during the same period to promote efficiency.....	2
Retired on account of age.....	1
Retired as unsuitable after trial.....	5
Retired on account of reduction of staff.....	5
	13
Total	18.

This makes a total for those two years of thirty-nine.

Of those dismissals two have been reemployed, making a net change of thirty-seven. In all these cases the retirements or dismissals have taken place after a very careful investigation. The investigation has been conducted by the warden and by the superintendent and the evidence has been submitted to me for my approval. I have not approved in every case, but I have in the great majority of cases on the evidence submitted. I have sought in every way to improve the penitentiary staff when changes have been caused by these retirements. If my hon. friedn from Kingston City desires the fullest information it is available for him in my department at any time. I am not going to place before the house the names of these officers who have been retired or go into details in regard to any particular case unless requested so to do, but I wish to inform the hon. member for Kingston City that all the particulars and all the details are at his disposal if he desires to make himself familiar with them. I am aware that when a retirement or dismissal takes place the great majority of those concerned immediately go to the hon. member for Kingston City; he is a good-hearted man, he sympathizes with them and he immediately communicates with Ottawa. The men likewise complain

Mr. Guthrie:

During the year 1928-29 the following retirements took place in Kingston penitentiary:

Dismissed or removed for inefficiency with pensions..... 2.
Dismissed on charges of misconduct without pensions..... 1.
Dismissed on charges of misconduct with pensions..... 1.
Retired during the same period to
Pension establishment..... 2
Retired on account of reduction of staff..... 1
Retired on unsuitable after trial..... 1
Retired on account of reduction of staff..... 1
Total 18.

This makes a total for these two years of thirty-nine.

Of those dismissals two have been reemployed, making a net change of thirty-seven. In all these cases the retirements or dismissals have taken place after careful investigation. The investigation has been conducted by the warden and by the superintendent and the evidence has been submitted to me for my approval. I seek not relieve it every time, but I have it the great majority of cases on the evidence submitted. I have sought in every way to improve the penitentiary staff when changes have been caused by these retirements. If Mr. Ross, M.P.Lanc. will inquire into failing information it is available for him in my department at any time. I am not going to place before the house the names of these officers who have retired or in some cases in some instances have undergone punishment as I felt that I was to inform the house. The Kingston City year all non-pensioners and all the staff are at the disposal if to enable to enable himself familiar with them. - an error that when a retirement or dismissal takes place the great majority of those ministerial immediately go to the house, member for Kingston City is a long-deserved man, be approaches with them and is immediately sympathizes with them. The Kingston Penitentiary

to me and lay their cases very fully before me. Then it becomes my duty to go over the cases and reconsider them. I have done the best I could, and I am prepared to stand by the conclusions to which I have come in each case.

Passing from that, the hon. member for Southeast Grey in her criticism of penitentiary matters on Saturday night dwelt to some extent on the case know as the Murray Kirkland case and on the evidence which was submitted when that case was tried before the criminal courts of Canada. It will be remembered by those in the house who have paid attention to such matters that when the riot took place in Kingston penitentiary on October 17, 1932, at a very critical and difficult time, the acting warden made an agreement with the rioters that if they were to desist and stop the riot he would refrain from punishing them under prison rules and would allow their cases to heard before the criminal courts of the contry. I do not know that the warden acted wisely when he made that arrangement, but he did make it, and on that arrangement being made and announced the rioters desisted for the time being. It was felt that that arrangement should be carried out, and subsequently in the spring of 1933, some twenty-nine or thirty of the rioters were tried at the county judge's criminal court at Kingston, and among others who were tried on that occasion was Murray Kirkland. The name of Murray Kirkland has been raised in this debate not by me, but of course his name became prominently mentioned in the newspapers last spring during the trial. Ordinarily I am not supposed to give publicly the names of convicts and particulars in regard to them, but as this case has been made the centre of a great deal of criticism I am going to give some particulars.

Murray Kirkland is looked upon as one of the dangerous

to me and say that I cause very fully to me. Then it becomes my duty to go over the cases and reconsider them. I have done the best I could, and I am prepared to stand by the conclusions to which I have come in each case.

Leaving from that, the hon. member for Dorchester deny in her criticism of penitentiary matters on Saturday night dealt to some extent on the case known as the Kerney Kirkland case and the evidence which was submitted when that case was tried before the criminal courts of Canada. It will be remembered by those in the house who have paid attention to such matters that when this case took place in Kingston penitentiary on October 17, 1926, at a very critical and difficult time, the rioting warden made an agreement with the rioters that if they were to desist and stop the riot he would refrain from punishing them under prison rules and would allow their cases to be heard before the criminal courts of the country. I do not [illegible] in this by any [illegible] but it was felt that arrangements should be carried out, and subsequently in the trying of these four convicts-also on charge of the riotous [illegible] Judge's criminal court at Kingston, and among others who were tried [illegible] was Kerney Kirkland. [illegible] in this debate now by me, but of course the name [illegible] in the newspapers [illegible] Kirkland. [illegible] I am not responsible in any manner for some [illegible] but in this case the [illegible] of a great deal of criticism [illegible] the Dominion.

Kerney Kirkland is based upon an [illegible]

Mr. Guthrie:

inmates of Kingston penitentiary, where we have a large number of very dangerous men. He seems to have been connected with the banks as a bank clerk in his early life--he is yet a comparatively young man. On August 16, 1930, he committed an armed hodd-up of the Bank of Montreal at King City near Toronto. Perhaps some hon. members may recall the circumstances; he and his gang locked the bank staff in the safe, obtained $916 from the teller's cage and made away with it. He committed bank robbery while armed at the Bank of Nova Scotia at Agincourt, near Toronto, on October 2, 1930. This time they operated by the same method and bbtained $846 from the teller's cage. On November 6, 1930, he and his gang robbed the Canadian Bank of Commerce, getting in that case over $6,000 by armed robbery. He was tried for and convicted of these three charges and sentenced to eighteen years' imprisonment and fifteen lashes. Since he has been in thepenitentiary he has received the lashes. These are not by the paddle; these are the lashes that are imposed by the cout, a much more severe punishment than anything connected with the paddle that has been so much spoken of. Since his arrival in the penitentiary he has been considered, and justly so, a very dangerous criminal. He has been specially looked after so see that he does not commit any deprecation there in the way of attempting to escape, or an assault upon any of his fellow prisoners. This man was engaged in the riot in 1932. Notwithstanding the tender manner in which Judge Deroche spoke of him at his trial he was convicted and sentenced by him to an additional nine months at the conclusion of his present sentence, which is a long way off. He was one of the leading rioters. During his trial when he was charged with riot and destruction of property, his counsel, Mr. Nickle of Kingston, in mitigation of his conduct introduced the evidence of a number of convicts to show what they said

inmates of Kingston penitentiary, where we have a large number of very dangerous men. He seems to have been connected with the banks as a bank clerk in his early life--he is yet a comparatively young man. On August 16, 1880, he committed an armed hold-up of the bank of Hamilton in King City [illegible]. [illegible] recall the circumstances; he and his gang locked the bank staff in the safe, obtained $216 from the teller's safe and made away with it. He committed bank robbery while armed at the Bank of Nova Scotia at Lindsay, [illegible] by the same method and obtained $248 from the teller's safe. On November 6, 1880, he and his gang robbed the Canadian Bank of Commerce, getting in that case over $1,000 by armed robbery. He was tried for and convicted of these three crimes and sentenced to [illegible] in the penitentiary he has received the lashes. These are not by the paddle; these are the lashes that are imposed by the court, [illegible] has been so much spoken of. Since his arrival in the penitentiary he has been considered, and justly so, a very dangerous criminal. He [illegible] preparation there in the way of attempting to escape, or an assault [illegible] in [illegible]. [illegible] additional nine months at the conclusion of his present sentence, which is a long way off. He was one of the leading rioters. During the [illegible] he was [illegible] the [illegible] Mr. Mickle of Kingston, in [illegible] of his counsel, [illegible] evidence of a number of witnesses to show what their [illegible]

Mr. Guthrie:

was ill-treatment of prisoners in Kingston penitentiary. The evidence was in mitigation of the crime, not relating to whether or not the prisoner was guilty, but merely in order to mitigate the sentence. Prisoner after prisoner was summoned by Mr. Nickle and put in the witness box and these prisoners told the most horrible and lurid tales of ill-treatment. But Mr. Nickle in his letter to which I am going to refer said, "And this evidence went uncontradicted." That is young Mr. Nickle to whom I am referring, not Mr. W. F. Nickle. But I cannot understand a man of the standing at the bar of Mr. W.M. Nickle making such a statement when he was fully aware of the circumstances. There were present at the trial the warden, the deputy warden, the superintendent and the guards. They were excluded from the court and not allowed to hear the evidence. Then, at the conclusion of the case, the crown attorney who conducted the case for the crown said that as these were matters which did not relate to the guilt of innocence of the prisoner on this charge but were merely in mitigation of sentence, no evidence could be called in reply. That was why these extraordinary statements went uncontradicted. Mr. Nickle must have known that evidence in rebuttal could not have been given. If evidence could have been given in contradiction of these statements it would have been given at the time; all the officials and guards were there for the purpose of giving evidence, but they did not have the opportunity.

I think next I should deal with Mr. Nickle's letter. Mr. Nickle, I suppose, was rather disappointed that after all his efforts and after a prolonged trial he was unsuccessful in his defence; the man Kirkland was convicted, and rightly so. Mr. Nickle's next step was to write a letter to Reverend Cannon Scott of Quebec. The letter was read by the hon. member for Winnipeg North Centre on June 25,

Mr. Gunthrie:

was ill-treatment of prisoners in Kingston penitentiary. The evidence was in mitigation of the crime, not relating to whether or not the prisoner was guilty, but merely in order to mitigate the sentence. Prisoner after prisoner was summoned by Mr. Hickie and put in the witness box and these prisoners told the most horrible and lurid tales of ill-treatment. But Mr. Hickie in his letter to which I was going to refer said, "And this evidence went uncontradicted." What is young Mr. Hickie to whom I am referring, not Mr. W. F. Hickie. But I cannot understand a man of the standing at the bar of Mr. W.M. Hickie making such a statement when he was fully aware of the circumstances. There were present at the trial the warden, the deputy warden, the superintendent and the guards. They were excluded from the court and not allowed to hear the evidence. Then, at the conclusion of the case, the crown attorney who conducted the case for the crown said that as there was no evidence which did not relate to the guilt or innocence of the prisoner on this charge but were merely in mitigation of sentence, no evidence could be called in reply. That was the time [illegible] Mr. Hickie must have known that evidence in rebuttal could not have been given. It would have been given at the time; all the officials and guards were there for the purpose of giving evidence, but they did not have the opportunity.

I think next I should deal with Mr. Hickie's letter. Mr. Hickie, I suppose, was rather disappointed that after all his efforts and after a prolonged trial he was unsuccessful in his defence; the man Kirkland was convicted, and rightly so. Mr. Hickie's next step was to write a letter to Sherwood Dennis [illegible] of Toronto. The letter was read by the hon. member for Simcoe North [illegible]

Mr. Guthrie:

as reported in Hansard commencing at page 4293. My hon. friend has challenged me to make a categorical denial of the statements contained in this letter, and I propose to do so. These are the statements of riotous prisoners, which were made in court and were not contradicted at the time by reason of the facts I have just stated.

The first statement in this letter is as to the existence of the "hole". That term has been used by prisoners in Kingston for many years, and refers to the punishment cells under the Keepers' hall, which are nine in number. There is no hole as one would understand it from reading this letter, but there are well ventilated, airy cells which are used only for the purpose of punishment. If a prisoner gets beyond control and has been tried and awarded punishment he is put on one of these cells, and if there is no other way of subduing him and keeping him quiet, an extra wooden door is placed over the steel door in order that he may not be permitted to disturb the rest of the prisoners. Murray Kirkland is not in the hole, and was not. The hole itself, or the so called hole consitutes the punishment cells. These cells have been examined by many competent and trustworthy people during the last twelve months, and I am going to state why this has been done.

The letter written by Mr. Nickle became public throughtout Canada. Cannon Scott preached a sermon on it a year ago. It was copied extensively in the newspapers, and in addition Mr. Nickle went to Toronto, appeared before the Social Service Council and laid his plea before them, repeating and elaborating the statements contained in his letter to Cannon Scott so that the Social Service Council was made aware of all the allegations of Mr. Nickle. I mention that now; I will give my reasons for doing so a little later on.

The wooden door of which I speak has been closed I think

as reported in Hansard commencing at page 4893. My hon. friend has challenged me to make a categorical denial of the statements contained in this letter, and I propose to do so. [illegible] at the time by reason of the facts I have just stated.

The first statement in this letter is as to the existence of the "hole". That term has been used by prisoners in Kingston for many years, and refers to the punishment cells under the Keepers' hall, which are [illegible]. [illegible] prisoners like Barnes [illegible] put on one of these cells, and if there is no other way of [illegible] over the steel door in order that he may not be permitted to disturb the rest of the prisoners. Harry Kirkland is not in the hole, and was not. The hole itself, or the so called hole constitutes the punishment cells. [illegible] trustworthy people during the last twelve months, and I can point to [illegible] why this has been done.

The letter written by Mr. [illegible] Canada. Cannon Scott preached a sermon on it a year ago. It was copied extensively in the newspapers, and in addition Mr. Hickie went to Toronto, typewrote [illegible] [illegible] plus having them, reporting and elaborating the statements contained in his letter to Hansard. [illegible] Mr. McNie. I question that more [illegible] I will give my reasons for [illegible]

The reason does not [illegible] I [illegible]

only three times in six or eight months, and then only for ten, fifteen or twenty minutes at a time. It is only closed when the prisoner in the punishment cell is disturbing the rest of the prison by his shouts and noises. Let me tell you that in England they have the same system of extra doors; before I am through I am going to refer to the latest work upon English prisons. In the United States they have a more elaborate system, by which they can absolutely exclude both daylihgt and noise. In the cells at Kingston daylight is not excluded, but dim light is the result of the closing of the wooden door. I do not suppose you could read by it, without difficulty. They are light, airy and well-ventilated, but there is a bucket in these cells as they have not toilet arrangements. Neither are there any tiolet arrangements in any of the best cells in the English prisons; the covered slop pail is adopted throughout all English prisons. In Kingston we have only these hine cells which, up to the present time, have not been equipped with the ordinary toilet requirements.

Now I should like to say a word in regard to the paddle. The paddle or leather strap is imposed as a last resort when prisoners become boisterous and unmanageable and defy the officers of the institution. We have a number of such prisoners. When they are sent to work they refuse to do so; any order given to them they resent, and in resenting it their language sometimes is beyond description. Such prisoners must be brought under discipline in some way, and the last resort is an application of the leather strap commonly called the paddle. When this question was last up, one of these straps was exhibited in this house by the hon. member for Kingston city. I noticed that it received great prominence throughout the country; photographs appeared in the Toronto Star, and other papers. This paddle is a leather strap, as hon. members of the house who were

or twenty minutes at a time. It is only closed when the prisoner in the punishment cell is disturbing the rest of the prison by his shouts and noises. Let me tell you that in England they have the same system of extra doors; before I am through I am going to refer to the latest work upon English prisons. In the United States they have a more elaborate system, by which they can absolutely exclude both daylight and noise. In the cells at Kingston daylight is not excluded, but dim light is the result of the closing of the wooden door. I do not suppose you could read by it, without difficulty. They are light, airy and well-ventilated, but there is a bucket in these cells as they have not toilet arrangements. Prisoners are always under inspection, in any of the ways in the English prisons, the system which well is adopted throughout all English prisons. In Kingston we have only three nine cells which, up to the present time, have not been equipped with the ordinary toilet requirements.

The paddle or leather strap is imposed as a last resort when prisoners become boisterous and unmanageable and defy the officers of the institution. We have a number of such prisoners. When they are sent to the last long yarded to be put and under guard, they have been tamed, and is wonderful. It takes tremendous exertion to become insubordinate. Prisoners must be brought under discipline in some way, and the last resort is an application of the leather strap commonly called the paddle. When this question was last up, one of these straps was produced in this House by the hon. member for Alexandria (Mr. Ross). It was described by the hon. gentleman as a barbarous instrument, and somewhat approved in the Dominion Hill, and whose surgeon. This paddle is a leather strap, it does consume of the bread and water.

Mr. Guthrie:

present on that occasion were able to see. This punishment can be inflicted only after the man has been tried and permitted to enter his full defence and after the evidence has been submitted to the superintendent in Ottawa and finally to myself; I have to read it. If I am satisfied that the infliction of this punishment is proper I confirm it. It frequently happens that the warden's court imposes a sentence of from fifteen to twenty straps, but these are seldom given. Three to five strokes, or at the most ten, is about the usual application of the paddle. The medical officer must examine the prisoner before the punishment is administered and pronounce him fit.

There is nothing brutal about it. What the prisoners resent is the indignity of it; they will tell you so. I have made a careful inquiry of the officials who would know about these things in every penitentiary in Canada and never, in a single case, has the skin been broken, nor had any wound resulted or any blood flowed, notwithstanding the statements mad by Mr. Nickle in his letter to Canon Scott, Mr. Nickle does not state anything of his own knowledge but merely gives the statements related by prisoners in the Kirkland trial, and which are absolutely untrue. You strap children at school. My mother used to strap me at home--yes, and in the same place as they strap the prisoners. But the prison officials are very careful in the administration of this punishment, and in order that there may be no injury inflicted the man is securely fastened to a frame so that the strap may be applied in the proper place without injury to the individual . There is a certain indignity about the process which prisoners do resent, but so far as the records of Canadian penitentiaries disclose there is no record of any injury, any skin broken or any blood flowing. The warden and medical officer must be present upon all such occasions. I give that statement in Mr. Nickle's letter

Mr. Chairman:

present on that occasion were able to see. This punishment can be inflicted only after the man has been tried and permitted to enter his full defence and after the evidence has been submitted to the superintendent in Ottawa and finally to myself; I have to read it. If I am satisfied that the infliction of this punishment is proper I confirm it. It (specially) happens that the tribunal's order involves sentence of from fifteen to twenty strokes, but these are seldom given. Three to five strokes, or at the most ten, is about the usual application of the paddle. The medical officer must examine the prisoner before the punishment is administered and pronounce him fit.

There is nothing brutal about it. What the prisoners resent is the indignity of it; they will tell you so. I have made a careful inquiry of the officials who would know about these things in every penitentiary in Canada and never, in a single case, has the punishment proved, nor has any sound practical medical tribunal, notwithstanding the statements made by Mr. Nickle in his letter to Hansard (sic), Mr. Nickle does not adhere exactly to his own language but merely gives the statements related by prisoners in the Kingston Penitentiary, and which you read yesterday morning. The Kingston medical officer, Dr. Mather (sic) is at Kingston, and in the same position as they have been yesterday. The Kingston officials are very particular in the administration of this punishment, and in some cases may be an injury inflicted on the prisoner which may be equivalent to the individual. There is a certain indignity about the punishment prisoners do resent, but so far as the records of Canadian penitentiaries disclose there is no record of any injury, any skin broken or any blood flowing. The medical officer must be present and all such precautions. I give that statement in Mr. Nickle's letter

a categorical denial.

N Now let me take the next paragraph, in regard to disease:

Syphilitic inmates with running sores and other such patients are admitted to the hospital.

That is where they should go. Every inmate who comes to any of our prisons undergoes a very critical examination as soon as he enters the institution. He is carefully examined for all kinds of diseawe, and a record of his condition is carefully kept. In addition he has to undergo another indignity by being plunged in a very strong disinfectatant bath, which I think many prisoners resent very much. A great many of them are not in very cleanly condition when they come in, and this treatment is absolutely necessary as a prelinimary to their entering the institution. Then, if there is the slightest sign of any communicable disease they are isolated. Whether there is any sign of disease or not they are immediately tested in the way prescribed by science to see if they have any syphilitic affection. Every modern method is used, and a professor of Queen's university, who will be well known to the hon. member Kingston, is among the men who have prescribed the method of treating and isolating these patients. Until a man is absolutely safe to mingle or communicate with others, until he is absolutely immun he is not allowed to communicate in any way with the other convicts. I am satisfied every precaution is taken, and that the system has worked well.

Miss Macphail: At this point may I ask is it true that the dishes of other convicts in the hospital are washed in the bath tub in which all inmates of the hospital bathe.

Mr. Guthrie: No, that is a statement of Doctor Withrow and by a prisoner at the Kirland trial. My information is that it is absolutely untrue. That is another categorical denial. I will state further that with a prison population from 2,800 to 4,500, over the last

a categorical denial.

Now let me take the next paragraph, in regard to disease. Syphilitic insanity or insanity in some form or other [illegible] are admitted to the hospital.

This is where I say [illegible]. Every inmate [illegible] of our prisons undergoes a very critical examination as soon as he enters the institution. He is carefully examined for all kinds of diseases, and I believe [illegible] in Indianapolis [illegible]. In addition he has to undergo another indignity by being stripped in a very strong distinctive way, which [illegible] a great many of them are not in very cleanly conditions when they come in, and this [illegible] their entering the institution. Then, if there is the slightest sign of any communicable disease they are isolated. Whether there is any sign of disease or not they are immediately tested in the way prescribed by science to see if they have any syphilitic affection. Every modern method is used, and a professor of Yale's university [illegible] who have prescribed the method of treating and isolating these criminals until a man is absolutely safe to mingle or communicate with others. Until he is absolutely known he is not allowed to communicate in any way with the other convicts. I am satisfied every precaution is taken, and that [illegible] are treated well.

[illegible] in this [illegible] and I [illegible] in [illegible] of other [illegible] in the hospital are [illegible] in [illegible] him has of the [illegible] [illegible].

[illegible], yes, that is a [illegible] of [illegible] [illegible] of the Kirkwood trial. [illegible]

[illegible]. That is another categorical [illegible]. I will [illegible] [illegible] population from 2,800 to 4,500, over the last

Mr. Guthrie:

fifteen years, there has not been one single instance of communicated syphilis in the penitentiaries of Canada, not one. I think that is probably more than one can say for the factories, the schools and hotels in Canada, because they do not ake the psecial precautions that are taken in the penitentiary.

The fourth point in Mr. Nickle's letter is about the boy prisoners. He States:

Two or three boys who were sent to penitentiary at the age of fifteen for three to seven years--

And so on. I do not know what he refers to, unless it is the case mentioned by the hon. member Kingston. We have no boys of fifteen years in the penitentiary at the present time, and I do not think there have been for a long time--but there may have been. The paragraph goes on to state that these boys associate with lifers. If any boys are sentenced from those provinces where they have boys' reformatories they will be immediately returned to the provincial authorities.

Statement number five is to the effect that it was proved conclusively that there are only 125 men at work, out of a prison population of 900 inmates. Well, the reason for that was that up until the time of the trial we did not reestablish all the workshops; they were doing it by degrees. Subsequently they were all at work. In fairness I think Mr Nickle should have said that while since the riot only 125 had been put to work in the shops up until the month of April 1933, the shops are now running full time, except in regard to the few prisoners who have been isolated. But aprt from the shops there were those who were working on the farm, those who were cutting stone, those who were working on ordinary chores, and others working about the penitentiary--though, as a matter of fact, when the trial

fifteen years, there has not been one single instance of communicated syphilis in the penitentiaries of Canada, not one. I think that is probably more than you can say for the Dominion, the capitals and hotels in Canada, because they do not give the medical precautions that are taken in the penitentiary.

The fourth point in Mr. Mickle's letter is about the boy prisoners. He states:

Two or three boys who were sent to penitentiary at the age of fifteen for three or more years.

I do not know. I do not have proof to confirm or, rather, deny it. I have questioned the Commissioner. We have no boys of fifteen years in the penitentiary at the present time, and I do not think there have been for a long time--but there may have been. The warrants also go to the Minister. Every warrant goes through the Minister. I do know that we discharged from there previously quite likely. Statistics they will be immediately returned to the provincial authorities.

Statement number five is to the effect that it was proved conclusively that there are only 180 men in Kingston, and for a prison population of 600 inmates. Well, the reason for that was that up until the time of the trial--the day after--we had all the prisoners they were doing 15 to 18 degrees. Consequently they were all at work. To repeat, I think Mr. Mickle should have had that well noted. Not only 180 had been put to work in the shops up until the month of April 1953, the shops are the training full time. Nearly 15 percent of the ten percent are those who have been isolated. But apart from the shops there were those who were working on the farm, which not were from the farm, those who were working on ordinary chores, and others working about the penitentiary--though, as a matter of fact, when the trial

Mr. Guthrie:

took place in Kingston I think approximately 125 would be about the correct number working in the shops. But the impression sought to be created by Mr. Nickle is that the other 875 had no work to do. I categorically deny that allegation.

Now I shall discuss the case of a man named O'Brien, which was also in the limelight and received a good deal of newspaper notoriety, again through the efforts of Mr. W. M. Nickle, who took the matter up with the Toronto Globe and the Toronto Star. In that way the matter was given greater prominence than otherwise it would have been given. The case has been brought up in a very pointed way owing to Mr. Nicle's letter in which he states:

> There is an inmate by the name of John O'Brien who was suspected of conspiring to escape on the poor allegation of a letter sent by one inmate to a warden, implicating O'Brien. O'Brien has been in solitary confinement in the prison of isolation since August, 1931, and has never been charged or tried on the charge of conspiracy to escape.
>
> O'Brien had on each side of him two raving inmates, one completely crazy and the other a drug addict. I subpoenaed the crazy man to try to show to the court what was going on, but the Department of Justice got rid of him three or four days before the trial.

I give a categorical denial to that statement. O'Brien claims to be an American citizen. He has a fairly long criminal record in the United States and also a fairly long one in Canada. In the United States he is credited with two escapes from the penitentiary or prisons of that country, and he is looked upon as being a rather dangerous prisoner. I think that under all the circumstances careful watching is very justifiable. He was placed in the prison of isolation. That is not the keepers' hall; that is not a hole. The prison of isolation is composed of ninety-six cells which are the best cells in the prison. Probably they are the best cells on the continent of America, and they were favourably commented upon recently by a British prison commissioner. Ninety-six of those cells

July 2, 1934 contd.

Mr. Murphy

such place in Kingston I think approximately 125 would be about the average number varying in the shops. The impression would be created by Mr. Nickle is that the other BYB had no work to do. I

Now I shall discuss the case of a man named O'Brien, which was also in the limelight and involved a good deal of sensationalism, again through the warped mind of Mr. E. E. Lindy, who kept him waiting up with his Toronto Globe and the Toronto STAR. In that way the matter was given greater prominence than otherwise it would have been given. The case has been brought up in a very pointed way owing to Mr. Nickle's letter in which he states:

> There is an inmate by the name of John O'Brien who was suspected of committing an armed car robbery in Toronto, and by the Toronto Police, Detective Bureau, Toronto, and been in solitary confinement in the prison of Toronto since January, 1931, and has never been charged or tried on the charge of attempt to escape.
>
> O'Brien had on each side of him two raving lunatics, one completely crazy and the other a dope addict. I prosecuted the crazy man to try to show to the court what was going on, but the Department of Justice got rid of him three or four days before the trial.

I give a categorical denial to that statement. O'Brien claims to be an American citizen. He has a fairly long criminal record in the United States and also a bloody hand in Canada. In the United States he is credited with two escapes from the penitentiary or prisons of Ohio and Illinois, and in is looked upon as being a rather dangerous prisoner. I think that under all the circumstances he was treated in the most humane manner. He was placed in the prison in Toronto. That is not the keepers' fault; that is not a hole. The prison of isolation is composed of ninety-six cells which are the best cells in the prison. Probably they are the best cells on the Canadian continent, and have been frequently mentioned as being equally in a Danish prison sanatorium. Ninety-six of these cells

Mr. Guthrie:

are segregated by themselves--larger cells, better light, fully equipped with running water, toilet arrangements and spring beds; but we keep prisoners there whom we consider dangerous. O'Brien was in the prison of isolation. There are six tiers to that prison, sixteen cells to a tier. He was in the lower tier, and at the time he was there I believe there was one occasion when there were only two or three other prisoners upon the same tier. But there is no such thing as solitary confinement in any penitentiary in Canada, and there has not been for at least thirty years. I do not know what there was in the last century.

Miss Macphail: What did they mena when they used that term again and again? Mad he so much time out of the cells for exercise?

Mr. Guthrie: Yes, every day.

Miss Macphail: How long?

Mr. Guthrie: Forty minutes.

Miss Macphail: Was he treated just the same as other prisoners?

Mr. Guthrie: Yes, just the same.

Miss Macphail: Why should the warden make the statement--because it was he who said it--that it appeared the men were going out to liberate O'Brien who was in solitary confinement for a year?

Mr. Guthrie: The warden made a mistake in using this phrase. In the isolation prison there would be ninety-six others when the cells are filled. Another prisoner stated during the Kingston trial--and the Globe and other papers made a tremendous fuss about it--that he had been in solitary confinement for twenty-three years. He had never been in solitary confinement one day. What the poor fellow did mean was that he had served thwenty-three years of imprisonment, and that was about his record--although not altogether --in Canadian prisons. However he used the term "solitary confinement". "Solitary

Mr. Gutbrie:

Miss Macphail: Cooper-Hills, Volume Lists, July

Mr. Gutbrie: Well, [illegible]

Miss Macphail: We keep prisoners there when we consider dangerous. [illegible]

Mr. Gutbrie: [illegible] in the prison of isolation. There are six there [illegible] sixteen cells to a tier. He was in the lower tier, and at the time [illegible]

Miss Macphail: [illegible] such thing as solitary confinement in any penitentiary in Canada, and there has not been for at least thirty years. I do not know what there was in the last century.

Miss Macphail: When did they move when they used to have cells and again? And he so much like out of the cells for exercise?

Mr. Gutbrie: Yes, every day.

Miss Macphail: [illegible]

Mr. Gutbrie: Forty minutes.

Miss Macphail: Was he treated just the same as other prisoners?

Mr. Gutbrie: Yes, just the same.

Miss Macphail: Why should the warden make the statement--because [illegible] Minnesota Officer who was in solitary confinement for a year?

Mr. Gutbrie: The warden made a mistake in using this phrase. In the Manitoba prison there would be sixty-six others were the cells are filled. Another prisoner stated during the Kingston trial--and the [illegible] [illegible] from about it--that he had been in solitary confinement for twenty-three years. He had never been in solitary confinement for one [illegible] that the poor fellow did seem [illegible] to be proud twenty-three years of incarceration, and that was about his record--although [illegible] another --in another prisoner.

Anyone to used the term "solitary confinement" [illegible]

Mr. Guthrie:

confinement" is a term that the prisoners use in regard to the prison of isolation, but there is nothing solitary about it.

Miss Macphail: I am sorry to interrupt again, but does the minister mean it si not solitary inasmuch as there are other prisonners near them?

Mr. Guthrie: They mingle and they mix. But there are times when it is quite possible that in a corridor with sixteen cells there may be only one man. That is uncommon, if it ever happened, but is is possible that it might happen.

Miss Macphail: I cannot understand why the warden would say that this man had been in solitary confinement for a year if the treatment he was getting was just the same as the other prisoners got who were locked in their cells from four or five o'clock in the afternoon.

Mr. Guthrie: This case was investigated by the United States authorities because the man in question made the claim he was in solitary confinement and had not been tried. I think when the United States authorities went into the matter they were quite satisfied with the prisoner's treatment. I have heard nothing to the contrary.

This man O'Brien was implicated soon after he came to Kingston penitentiary in some breach of prison rules. He was punished for a few days be being sent to the punishment cells. I think he there three days. That would be pretty solitary because I do not suppose there was anybody there at the time but himself. After that he was liberated from the punishment cells and at the end of July in 1931 he was one of the leaders in a very serious attempt to break prison. I did decribe somthing of this on a former occasion in the House of Commons but I am going to repeat part of it again to-day.

Q. Gutheie: They mingle and they mix. But there are times when is [illegible] only one man. That is unknown, if it ever happened, but is is possible that it might happen.

Mrs. Dogiell: I cannot understand why the warden would say that [illegible] man had been in military confinement for a year if the treatment he was getting was just the same as the other outcomers got who were locked in their cells from four or five o'clock in the afternoon.

Q. Murphy: That does not literally and by the Dallas Marshal authorities because the man in question made the claim he was in military confinement and had not been tried. I think when the United States authorities went into the matter they were quite satisfied with the prisoner's treatment. I have heard nothing to the contrary.

This man O'Brien was implicated soon after he came to Kingston penitentiary in some breach of prison rules. He was isolated for a few days he being sent to the punishment cells. I think in three days. [illegible] there was anybody there at the time but himself. After that he was liberated from the punishment cells and at the end of July (1923) he was arrested for Dangerous [illegible] [illegible] [illegible]. I did hearing something of this on a former occasion in the House of Commons but I am going to repeat part of it again to-day.

Mr. Guthrie:

There were six or seven men engaged working in one of the machine shops, and they contrived in some way to manufacture weapons which they hid in various places in the machine shop. It was arranged that on a certain hour on a certain day, I think the prison truck came to that shop they were to seize the truck and drive it as forcibly as possible against the prison gates with the idea of effecting a prison escape. One of those implicated evidently lost heart in the venture and told the penitentiary officers as to what was proposed. Those men were immediately locked up, among them being O'Brien. A search was made according to the information which had been supplied by one of the confederates and the weapons were discovered. During the last debate on this subject in this house my hon. friend from Kingston City produced some more or less inoffensive looking implements and said, "This is all they found; these are merely little tools for scraping the machinery, and for that," he says, "they were punished."

Well, these men were tired. The former Superintendent Hughes and the former warden Ransford were then in office, and after the trial these men were convicted and sentenced to the prison of isolation, which I have described. But the little innocent inoffensive weapons prduced by my hon. friend from Kingston City--I do not know who handed them to him--are not the exhibits in the case at all. I have here the actual articles which were fould secluded in the shop and which were filed as exhibits in the trial. I think this one has been made from a file. It is a very dangeous looking weapon.

Here is one which certainly has been made from a file. This was hidden behind some of the heating radiators.

This third exhibt, marked exhibit B, as a broken one. This was hidden under the floor.

Here is another dangerous weapon, made I think from a file,

Mr. Guthrie:

and marked exhibit D. This also was hidden behind the woodwork.

This one looks as if it were made from polished steel.

Of these weapons which I have shown to the house the longest and the most desperate looking one is from eighteen to wenty inches long, is sharp and pointed, and is made of good steel.

The next longest has a blade over ten inches long and is sharpened to a point. I think it was made from a steel file.

The next one is between ten and eleven inched long, and is a vicious looking weapon.

The small one is also made from a file and is sharpened at the point.

The last one I do not know so much about wxcept that it looks like the article that was produced by my hon. friend from Kingston City. It may be some part of the machiner, but it has been shappened at the point too. These are the actual exhibits in connection with the trial of these convicts. O'Brien was tried; he was convicted, and because he was looked on as a very dangerous prisoner he was placed in the prison of isolation and kept ther until some time this spring. He is now freed from the prison of isolation. Perhaps he has learned his lesson; I hope he has. He is now engaged at the officers' mess in Kingston, and I think he has been placed in the ordinary cell block with the other convicts. He is one of those who were looked upon as dangerous, and he was certainly engaged in the effort to escape in August, 1931. He has to his credit two escapes from American penitentiaries; he is a long term prisoner. His sentence is for twenty years or for life, I am not sure which, but he requires very strict supervision. Such is my categorical statement in regard to the alleged ill treatment of O'Brien.

and marked exhibit C. This also was hidden behind the wainscot.

Mr. MARSHALL: Are these the weapons?

Of these weapons which I have shown to the Judge the longest and the most dangerous looking one is about 18 inches long, is sharp and pointed, and is made of good steel.

The next longest has a blade over ten inches long and is sharpened to a point. I think it was made from a steel file.

The next one is between ten and eleven inches long, and is a vicious looking weapon.

The small one is also made from a file and is sharpened at the point.

The last one I do not know so much about except that it looks like the bayonet that was produced by my son. Taken from Alderson City. It may be some part of the machinery, but it has been sharpened at the point too. These are the actual exhibits in connection with the trial of those convicts. Gilchrist was taken; he was convicted, and because he was looked on as a very dangerous prisoner he was placed in the prison of isolation and kept there until some time this morning. He is now freed from the cells of isolation. Perhaps he has learned his lesson; I hope he has. He is now engaged at the workers' mess in Kingston, and I think he has been placed in the dormitory cell block with the other convicts. He is one of those who were looked upon as dangerous, and he was certainly engaged in the attempt on Warden Ellis. He has to his credit two escapes from Dorchester, and from Kingston. The

[illegible] is the typical speed of the time, [illegible] to describe our [illegible] in [illegible] in prison in the village [illegible] of [illegible].

Mr. Guthrie:

Next as to the silence rule.

Mr. Woodsworth: Just to clear up one dpoint, do I understand that Major Nickle is incorrect when he says that O'Brien has never been charged with or tried on the charge of conspiracy?

Mr. Guthrie: Yes. I have a record of the trial before Superintendent Hughes and Warden Pnnsford. O'Brien was found guilty of trying to escape.

Miss Macphail: When?

Mr. Guthrie: August, 1931.

Miss Macphail: I am not clear why it should be siad he was in solitary confinement for two years or one year if the minister says there is no such thing.

Mr. Guthrie: I have described the confinement. I would like my hon. friend(Miss Macphail) to know that I have no reason for suggesting anything that did not happen. I want all the facts to come out and nothing will please me better than to have her visit the institution as she has on former occasions and see the actual cells and conditions. I make this further statement, that I would welcome a visit from the hon. member for Kingston City. I wish he would go through the institution with the most meticulous care examine it from top to bottom, and hear stories and statements from prisoners, and I am satisfied that when he came away he could commend the institution. I would like my hon. friend from Southeast Grey to do the same thing.

Miss Macphail: If it is as it was when I last visited the institution, the authorities will be very careful to see that no person makes a statement. They were not at that time even allowed to glance at visitors, much less to speak to them, except by permission of the warden.

Mr. Guthrie: That is the rule, and I will waive it in favour of my

Mr. Guthrie:

Next as to the silence rule.

Mr. Woodworth: Just to clear up the matter, as a matter of fact, a witness in the witness box on any civil action has never been charged with or tried on the charge of conspiracy?

Mr. Guthrie: Yes. I have prosecuted the civil action Superintendent Hughes and Martin Sanders. Witness was found guilty of trying to escape.

Miss Morphett: Then?

Mr. Guthrie: August, 1921.

Miss Morphett: I am not sure why it should be that we are in military institutions for two years or one year if the maximum sentence is six months.

Mr. Guthrie: I have discussed the institution. I would like my friend(Miss Morphett) to know that I have no reason for suggesting anything that did not happen. I know all the facts in regard and nothing will please me better than to have the inspiration as to the two or three conditions are the actual situations. I make this further statement, that I would welcome a visit from the hon. member for Kingston City. I wish he would go through the institution with the most critical eye possible in this connection, and inspecting and ascertain from patients, and I am satisfied that when he came away he could commend the institution. I would like my hon. friend from Northcote (Mr. Mc.) to do the same thing.

Miss Morphett: If it is as it was when I last visited the institution, the authorities will be very careful to see that no person makes a statement. They were not at that time willing to (?) of visitors, nor have they been in a position to discuss matters.

Mr. Guthrie: That is the rule, and I will waive it in favour of my

Mr. Guthrie:

hon. friend for Southeast Grey or any hon. member of the house. Members of this house are statutory visitors. They have the right to go there and the right to see everything and to speak to everybody. That is what a statutory visitor is for. So has a grand jury that right, and so has a judge. If any one desire to examine these institutions either at Kingston or any other part of this dominion I will give them the greatest freedom to do so, they may investigate to their heart's content, and all I ask them to give is an unbiased and unprejudiced account of what they do see, having regard to the fact that these institutions are not hotels or boarding-houses but penitentiaries.

Miss Macphail: Does the minister wonder that it is confusing to the people of this country when the warden says that a man was in solitary confinement for a year and then the minister stands up and says there was no such thing? I want to ask this further question. In the case of O'Brien--Indice the minister takes great trouble to tell the committee how terrible these prisoners are, and I am not defending them, because I know a great many are vicious; on Saturday I placed the percentage of the total prison population as twenty per cent--I am not arguing for O'Brien or Kirkland or anybody, but was O'Brien put in for the two years in solitary confinement other than the forty minutes a day, or was he allowed the same liberty as any other prisoner? Just what does solitary confinement mean?

Mr. Guthrie: No. I believe he only got his daily exercise. Then he was offered work in his cell and he refused to do it. Subsequently I believe he asked for work in his cell and got it. His case I may say has been fully reported to the American prison authorities on O'Brien's representations that he was being discriminated against as an American citizen, and I think the American authorities are quite

Mr. Guthrie:

satisfied with regard to the matter. So far as I am aware, they are.

The next matter in the letter of Mr. Nickle is in regard to silence.

Prior to October 17 there was a silent rule for convicts which read as follows:

Every convict shall observe silence and shall not hold communication with another convict.

Mr. Nickle knew full well when he wrote that letter that the rule had been abrogated for a year or almost two years. It so happens that General Ormon, superintendent of penitentiaries, took office on the 1st of August 1932, and his first visit to Kingston was made on September 8, 1932. When he came back from Kingston he had a discussion with me. He said he was going to visit other penitentiaries, but that there were certain recommendations which he had decided to make in regard to these institutions, and one of those he mentioned was the rule with respect to silence. Another one was in regard to cigarette papers and another in regard to exercise. Prior to General Ormond's appointment the exercise period was only ten minutes and it consisted in walking around a yard, a sort of military march. He said that method did not appeal to him, it was not a proper exercsie, and he recommended a change. I think that would be probably the 10th or 11th of September, six weeks before any riot took place. I said, "Had you not better consult other wardens before we change the regulations?" He replied that he would, particularly in regard to cagarette smoking. Unfortunately or fortunately the disturbance took place on October 17th, before there was any change in the regualtion, but the regualtion was cahnged on December 31, 1932, and the silence rule was abolished. It had been the rule of all Canadian penitentiaries for forty years and until recently was the

Mr. Guthrie:

rule in English penitentiaries--I think it is still the rule in Dartmoor--and it is also the ruel in many penitentiaries in the United States. In the penitentiaries in Canada the silence rule was abolished on 31st December, 1931, and Mr. Nickle should have known that when he wrote the letter to Canon Scott:

> Let me say here, while it occurs to me, that the inmates were only given twenty minutes exercise a day, walking in a circle round the bull ring.

I thought it was ten minutes only of exercise that they were allowed before General Ormond took over as superintendent of the penitentiaries. Now it si forty minutes, and in Great Britain an hour. The kind of exercise is a matter on which there is some discussion and difference of opinion among prisoners. The exercise which has been prescribed by General Ormond for all penitentiaries in Canada consists for the most part of those exercises which you see in collegiate institutes and colleges, the Royal Military College and various places of that kind--rhythmic movement all under an instructor in the open air, and then a certain amount of walking exercise. Previously it had been merely walking exercise, but in Kingston unfortunately this additional exercise has developed into a kind of sporting contest which is not permitted under the present regualtions. Instead of the regualr exercise prescribed, baseball and the like has developed to a fairly alarming extent. Baseball has now been stopped and the Kingston prison is now run under the regulation with regard to forty minutes' exercise.

Is it necessary for me to deal with anything else in Mr. Nickle's letter to Canon Scott? I have tried to give a categorical denial to every important statement in it. As I pointed out, the statements are founded not on the experience or knowledge of Mr. Nickle himself, but solely upon the lurid statements of prisoners.

I wrote the letter to Canon Scott:

> Let me say here, while it occurs to me, that the lessons were only given twenty minutes exercise a day, walking in a circle round the hall ring.

I thought it was ten minutes only of exercise that they were allowed during General Gordon's time at Lucknowmore-stairs. Now is at forty minutes, and in Great Britain an hour. The kind of exercise is a matter on which there is some difference of opinion. The Bertillon system, which has been prescribed by General Gordon for all penitentiaries in Canada complete for the most part of those exercises which you see in military institutes and colleges, the Royal Military College and various places of that kind--rhythmic movement all under an instructor in the yard etc, you know a certain number of military exercises, varying in the same manner making marching, but in Bertillon's system this additional exercise has developed into a kind of exercise which is the practical code the Japanese manifestation of the regular exercise prescribed, Dansell and the like developed as a military training method. Recently the Japanese arrived and the Kingston prison is now the most the recognition with regard to their military exercises.

It is necessary for us to find what exercise plan is the Bertillon's system in Great Britain. I have tried to give a [illegible] model in every important exercise in it. As I wrote you, the statistics are recorded with the measurements [illegible] Bertillon himself, but which have the general approval of criminologists.

Mr. Guthrie:

Before I discuss that point further, however, there is one thing I missed. There is a paragraph in the letter in regard to shackling of prisoners to the bars; Mr. Nickle says that men have been shackled with their hands above their heads and left for hous until they were exhausted. That is untrue and I give a categorical denial to that statement. For two years there has been no shackling. O'Brien may have been shackled two years ago--I am not sure--and I had better not make too broad a statement. It is, however, two years since there has been shackling to the bars in Canadian penitentiaries--that system has been abolished under the present superintendent. Again I say the Mr. Nickle in these statements is not speaking of his own knowledge, but he has accepted at one hundred per cent these terrible exaggerations and misstatements made by prisoners when trying to justify the riot in 1932, in order to mitigate sentence. It was upon such evidence, given before a judge of the county court, upon which Canon Scott addressed the people of Canada in his sermons. These were the statements which were also laid before the Social Service Council in Toronto, before the Prisoners' Welfare Society in Montreal and before the John Howard Society in British Columbia, all prisoners' welfare associations. These are the statements which distrubed them and caused them to come to Ottawa last August or September to see the Prime Minister and myself and to ask for the appointment of a royal commission, and we gave a categorical denial to these statement at the time fo the interview. The Prime Minister also suggested that they immediately send deputations to visit the penitentiaries and be convinced by what they saw. These societies appointed their own committees and visited every penitentary in Canada. They were accorded the fullest liberty and exercised their rights to the fullest. They discussed matters with prisoners

July 6, 1944, Vancouver.

Mr. Mackie

Before I discuss that point further, however, there is one thing I missed. There is a paragraph in the letter in regard to shackling of prisoners to the beds; Mr. Mackie says that men have been shackled with their backs above their heads and left for hours until they were exhausted. That is untrue and I give a categorical denial to that statement. Mr. Mackie has been on Committee, I understand, but I have been shackled two years ago--I am not sure--and I had better not make too broad a statement. It is, however, two years since there has been anything of the sort in Canada in connection with--[illegible] prisoners had been mutilated using the "Bennett [illegible]". Again I say you Mr. Mackie is [illegible] statements in and regarding of the [illegible] knowledge, but he has accepted at one hundred per cent those terrible [illegible] statements made by [illegible] when [illegible] to [illegible], the right in [illegible], to make to [illegible] statement. [illegible] upon such evidence, given before a judge of the county court, upon which Canon Scott addressed the people of Canada in his sermon. There was the statement which was also said before the Social Service Council in Toronto, before the Friendship Society in Montreal and before the Women's Council [illegible] all prisoners' mutual associations. There was the statement which distributed then and caused them to [illegible] [illegible] Diplomacy to use the Prime Minister and appeal and to use the [illegible] of a royal commission, and to [illegible] [illegible] to have statements of the kind to the [illegible]. The [illegible] which the [illegible] and be convinced by what they saw. These institutions supplied their committees and visited every penitentiary in Canada. That gave proved the fullest liberty and exposed their facts in the fullest. They discussed matters with prisoners

Mr. Guthrie:

and with officials as well as with outsiders and have made a report generally recommending the system and the administration of Canadian penitentiaries.

Miss Macphail: I have a copy of the report--

Mr. Guthrie: Let me finish please.

Miss Macphail: --and I challenge the statement--

Mr. Guthrie: My hon. friend must not butt in until I finish. They did make certain specific recommendations and we are endeavouring as rapidly as possible to carry them out. One of the most prominent of these recommendations is in regard to the question of segregation. We have advanced in that respect in the last year and a half not only perceptibly but very satisfactorily. In each penitentiary there is a segregation board consisting of the warden, the deputy warden, two chaplains, the medical Officer, the school masters and the trade instructors in the varios trades. They periodically sit as a board and examine each individual prisoner and pass upon him as to his fitness to lear a trade, to carry on work that he has been put to, and as to his adaptability. They examine into his criminal record, antecedents and the like, with the idea of puttinghim eventually among the class which will most benefit him and at the same time of keeping what you may call the dangerous ones, the old offenders, the hardened criminals, as far as possible to themselves. That system has been in force in the penitentiaries of Canada for some time now, except Kingston. I am sorry to say that the warden at Kingston perhaps through pressure of other work in the difficult situation in which he was placed, had not time to institute that system in Kingston as it was insituted in other penitentiaries, but since the fifteenth of June the system has been placed in fulloperation in Kingston penitentiary. I think this is the system recommended by the Social

Mr. Guthrie:

Service Council and other societies so far as we have been able to carry it out up to the present time. I am aware that the superintendent himself has recommended very definitely that a psychiatrist, also a psychologist, should be attached to the staff of each penitentiary. We have competent doctors there now and I believe they are highly qualified men. The physician at Kingston has been there a long time; he is not an appointee of mine in any sense, but I believe he is performing his duty. He is not, however, what is technically known as a psychiatrist. When any mental case is under consideration it is necessary to send out and secure the opinion of some alienist who is not on the prison staff at the present time. But it has been pointed out by writers on penology in this country, the United States and Great Britian, that it is almost essential to have a psychiatrist connected with prisons for properly estimating the possibilities or the adaptability of the convict. We have no psychiatrists at present but it is quite possible that in the near future we will have them at the larger penitentiaries.

Another question that is very pressing is that of the segregation of the youthful prisoners. We have not as yet any system for youthful segregation nor so far as I am aware have they in any other country unless it be England. One cannot make a very fair comparison between the prison system in England and that of Canada. The best and most recent book on the English prison system is by one of the prison commissioners, Mr. L. W. Fox, a book published a few months ago and to be found in the library here. It brings the regulations up to date and explains the system consisely. But in England there is only one governing power. The British government or the Home Secretary has authority throughout the whole United Kingdom over all their prisons; in Canada we have a different system and the only prisons

Mr. Guthrie:

Service Council and other societies so far as we have been able to carry it out up to the present time. I am aware that the superintendent himself has recommended very definitely that a psychiatrist, also a psychologist, should be attached to the staff of each penitentiary. We have competent doctors there now and I believe they are highly qualified men. The physician at Kingston has been there a long time; he is not an appointee of mine in any sense, but I believe he is performing his duty. He is not, however, what is technically known as a psychiatrist. When any mental case is under consideration it is necessary to send out and secure the opinion of some alienist who is not on the prison staff at the present time. But it has been pointed out by writers on penology in this country, the United States and Great Britain, that it is almost essential to have a psychiatrist associated with prisons for purposes of classifying the institutions or the adjustability of the inmates. We have no psychiatrists at present but it is quite probable that in the near future we will have one at the larger penitentiaries.

Another question that is very pressing is that of the segregation of the mental defectives. We know that we do not have prisons for feebleminded segregation nor so far as I am aware have they in any other country unless it be England. One cannot make a very fair comparison between the prison system in England and that of Ontario. The last and most recent book in the English prison system is by one of the prison commissioners, Mr. L. Fox, a book published a few months ago and is to be found in the Library here. It covers the prison system and explains the system concisely. But in England there is only one governing power. The British Government as you know centrally has authority throughout the entire United Kingdom and there is a different system of the only prisons

Mr. Guthrie:

under the jurisdiction of the federal government are the penitentiaries. All the gaols, all the refuges, all the reformatories and alll the provincial prisons are under the control of provincial authorities and the federal government has nothing to do with them. In England, where there is a single control, they are able to allocate their prisons to certain classes of prisoners, something which this department has no pwer to do, and they are allocating certain prisons for certain classes of prisoners. Of course in England they have a very large number of prisons at their disposal and they have instituted and are carrying out what is known as the Borstal system, a system which it is hoped will have the effect in many cases of reclaiming youthful offenders before they go too far in their careers of crime. The Borstal system applies in the first instance to those who are under twenty-four and afterwards there is a special period of application for those who are from twenty-four to twenty-eight. I believe from alll I have read that the Borstal system has produced good results. We have, however, no experience in the dominion field in our penitent iaries of institutin a system of that kind. The youths and the young men do not and should not go to our penitentiaries. But it so happens that among our young offenders under twenty-one there are some very violent criminals with long criminal records and it is a very serious question whtehr they should be placed with other youths who may be in for a first offence. I doubt very much whether to do so would have a good effect on first offenders. You cannot classify them very weel by age. It is a problem that should be and is being studied by many people, but the chief work to be done in that respect is not in the penitentiaries but in the provincial prisons and common gaols. Some of the provinces have as yet no reformatories as weh have them in Ontario. In some of the provinces the common gaols are very

Mr. Guthrie:

strongly condemned by those who have had reason to visit them. On the other hand let me say this; a comparison between the treatment of prisoners in Canada and in England so far as humnity goes, so far as lenient treatment goes, is entirely favourable to this country.

Perhaps just at this moment I might refer to one other matter, and that is a letter which has been circulated throughout the House of Commons by Mr. A. E. Smith, Secretary of the Canadian Labour Defence League. I always refer to this organization as the Communist league. It was the Communist league until the convictions were made against them a couple of years ago. Then, at the instigation or at the instance of A.E. Smith the name of the organization was changed and the same band of people now carry on under the name of the Canadian Labour Defence League, but the man who has instigated most of the unrest in Canada in regard to penitentiary matters is A.E. Smith. The hon. member for Southeast Grey said the other night; How is it that there were disturbances in penitentiaries before there were any communist activites in Canada? The history of the world has shown that there are periodical disturbances in penitentiaries and prisons where there were no communists at all. We have had prison riots in Canada as far back as fifty years ago, very serious ones where the troops were called out, where firing took place, where the warden and deputy warden were murdered as in St. Vincent de Paul. We have had them at Kingston and at other points. There have been innumerable serious revolts in the United States with great loss of life not due to the communists' activities at all and they have had them in England as the late insurrections at Dartmoor show. Riots must be expected in all penal institutions and one must be prepared for them with a special staff of guards and appliances to restrain them. But it is strange that ever since the seven communists were

strongly approved by those who have had reason to visit them. On the other hand let me say that a comparison between the treatment of prisoners in Canada and in England so far as humanity goes, so far as humane treatment goes, is entirely favourable to this country.

Perhaps just at this moment I might refer to one other matter, and that is a letter which has been circulated throughout the House of Commons by Mr. A. E. Smith, Secretary of the Canadian Prison Reform League. I always refer to this organization as the Communist League. It was the Communist League until the convictions were made against them a couple of years ago. Then, at the last session of the Alex Lakeman et al. Trial the name of the organization was changed to the Canadian Prison Reform League, but the Communist mark is the worst in Canada in regard to subversive activities. Mr. Smith, Now is it that there were disturbances in penitentiaries before these and prisons where there were no communists at all. We have had riots in Canada as far back as fifty years ago, very serious ones where the troops were called out, where firing took place, where the warden and deputy warden were murdered as in St. Vincent de Paul. [illegible] Lamoureux's activities within is too [illegible] not due to the communists' activities at all and they have had there in England as the Irish Republican Army. Those [illegible] in Canada in all penal institutions and one must be prepared [illegible] a special staff of guards and appliances to restrain them. But it is interesting that [illegible] the Communists were

Mr. Guthrie:

imprisoned in Kingston, the agitation has gone on; it started within two months after their incarceration. The first was the complaint about not supplying cigarette papers. That was reported to me by an ex-prisoner who told me that in the spring of that year there was very much dissatisfaction because they were not allowed to get cigarette papers. That dissatisfaction grew and culminated in the riot of October, 1922, but throughout the whole criticism has been in regard to Kingston. All the seven penitentiaries are run on the same principle, the same rules, the same regulations, but the criticism has all centred on Kingston where the seven communists are confined.

Miss Macphail: Waht about St. Vincent de Paul? There are several communists there.

Mr. Guthrie: I am talking about communist activities.

Miss Macphail: But there are communists at St. Vincent de Paul.

Mr. Guthrie: But the criticism has centred on Kingston. During all the discussion this session there has not been any mention of any other Canadian penitentiary than Kingston. All the letters that have been sent out; the fifty thousand odd messages I have received in the way of telegrams, letters, postal cards, insulting advertisement in regard to myself, are all in regard to Kingston penitentiary and no other penitentiary in Canada is ever mentioned. All the agitation in the newspapers points to Kingston. I say to the hon. member for Southeast Grey; I give her the reason. It is on account of the communist prisoners who started some activities in Kingston but whose efforts have been from time to tiem aided by those of Smith and his so-called Canadian Labour Defence League. They are the chief agitators. He is the man who has sent this unfounded, lying document to members of the House of Commons. This document is dated June 18. I am not going to read it all. He says that 459,000 people have petitioned

Mr. Chairman:

Imprisoned in Kingston, the agitation has gone on; it started within two weeks after their incarceration. The first was the complaint about not giving them medical treatment. That was reported in an by an ex-prisoner who told me that, in the spring of last year, there was very much dissatisfaction because they were not allowed to get discharge papers. Two dissatisfaction was not maintained in the case of danger, then, the immediately the week mentioned has been in prison in Kingston. All the same conditions are true in the same situation. The same place, the same inequalities, but the agitation has all centered in Kingston where the later immediate are medical. Miss Macphail: Same score or. Vigneul on staff. There are several communists there.

Mr. Chairman: I am asking every communist activities.

Miss Macphail: But there are communists in St. Vincent de Paul.

Mr. Gutterle: But the criticism has centered on Kingston. During all the discussion this session there has not been any mention of any other Canadian penitentiary than Kingston. All the letters that have been read only the fifty thousand and something I have received in the day or yesterday, letters, postal cards, [illegible] in report is clearly, are not in regard to Kingston penitentiary and other penitentiary in Canada is over mentioned. All the agitation in the newspapers [illegible] to Kingston. I say to the hon. member for Northwest Grey; I give her the reason. It is on account of the communist prisoners who started some activities in Kingston but which efforts have been from time to time aided by those of both and the so-called Socialist Labour Defence League. They are the chief agitators. In the case we had some trouble [illegible] by [illegible] of the three of them. This lawyer is [illegible] [illegible] going on from it all. He says that 400,000 people have petitioned

Mr. Guthrie:

me; I would have said a couple of million, but he has got it down to 459,000. And he says:

To-day the condition of the seven is worse than ever.

That is a lie, that is the only word to use.

The Behan death has never been properly explained, and from authentic sources come stories that this was one of the cruelest since the Ormond regime of episodes that occurred there. But evidently this is not enough. For the last wo weeks Ormond has been "reorganizing" things. Part of this reorganization has been to fling the seven communists again into the "hole."

That is an absolute lie. They are not in the hole and they never have been. The cells under the keeper's room is what he refers to as the hole. The communists are not there and never have been there. He says:

Into the "hole" the prisoneof isolation,--

That is better.

--where they were kept five days locked up, --

That is not true.

--and where they are now sleeping on punishment beds,--

That is an absolute lie. I made special inquiry; they have steel spring beds and two mattresses on top of that, and also both summer and winter bedding. If Smith went to England he would find that in all English prisons the prisoners sleep on plank beds. We give them a proper spring bed and two mattresses on top of that, and that is what all these communists have. Smith has not been in the institution. This may have been reported to him, but this is just another of his reckless statements which constitutes a lie.

--and in the daytime doing heavy work in the coal and wood yard.

They have been working on the docks at the lightest work in the penitentiary, and are there at their own request. They wanted outside work; they asked for it and they got it. To all appearances they are happy and contented.

Mr. Guthrie:

The cruelties have played havoc with the health of Tim Buck and his associates.

I have had their health watched very carefully, and they are all in excellent health. True, I will grant you there has been a great deal of worry and fretting; there must be, because I do not think penitentiary confinement is conducive to health and strength and vogour of body and mind, but that is part of the punishment. But as far as medical men can judge their health is excellent. Two of them were liberated last week by my hon. friend the Solicitor General who sees to that branch of the Department of Justice. They were treated just as the brokers were treated. They were liberated becasue on June 29, they had served half their time, and they were liberated on that date, on ticket of leave, which enables them to serve the remainder of their sentence outside of prison walls. If they comply with conditions which are endorsed on the ticket of leave they will never be called upon to serve the remainder of the sentence. And when the other communist prisoners have served half their time they will be treated in presisely the same manner, without any variation. But there is a proviso which goes with this statement; I stated it in the house on a former occasion. Provided that they are first offenders, that their prison conduct has been good, and that the crime was not one of violence or of assault on women, they will be given favourable consideration when half their time is served. I cannot speak as to the recent conduct of any of the five communists who are still there because I have not looked into it lately, but if they can meet that test the rest of them will be liberated when half their time is served.

Let me go on with this letter from Smith. The two men who were liberated last week were not liberated on account of ill health. OH, the complain their health was bad. In one instance we allowed

The casualties have played havoc with the health of Tim Buck and his associates.

I have had their health watched very carefully, and they are all in excellent health. Very I will grant you that they are grey, dull of very and haggard. Whenever I go out into this penitentiary environment is necessary to smell the stench and odour of body and mind, but that is part of the punishment. But as far as health is concerned they are in excellent health. We at Kingston have liberated Jack Ewen, Tim Buck, Tim Buck's brother Gilmore who goes to that branch of the Department of Justice. They were treated here as the radical Jews treated. They were liberated last Jesus on June 29, they had served half their time, and they were liberated on that date, on ticket of leave, which enables them to serve the remainder of their sentence outside of prison walls. If they comply with conditions which are prescribed by the Minister of Justice they will serve no further time in the penitentiary. Whether they will be pardoned in accordance with the usual practice, without conditions, they will be granted in accordance with the usual practice, without conditions. But there is a proviso which goes with this statement; I stated it in the house on a former occasion. Provided that they are first offenders, that their prison conduct has been good, and that the crime was not one of violence or of assault on women, they will be given considerable consideration when half their time is served. I anxiously wait to see the general amnesty at any rate and then somebody who are still there because I have not looked into it lately, but it may can meet that test the rest of them will be liberated when half their time is served.

Let me go on with this Labour Case Smith. The law was not very liberated that date are not liberated on account of ill health, the complain their health was bad. In one instance we allowed

July 3, 1934, cont'd.

Mr. Guthrie:

the man's own doctor to visit him; he gave me a certificate, as well as one I suppose to the prisoner's wife, and there was nothing to alarm me in that certificate; I could find no cause for releasing him on the ground of ill health. Representations were made in regard to another of them by an hon. member who is not here to-day. I could not find anything more than occurs to any person in an institution of that kind, but they were liberated because their conduct had been good, because they were first offenders and has served half their time. The letter continues:

Sam Carr is seriously ill.

That is not true. He was liberated last week.

But sick parole is denied him.

That also is untrue.

Popovich has been in the hospital some time.

Each of the prisoners has been in hospital, and under the statute hospital time is not computed in the days the prisoners are allowed for good conduct; however I waived popovich's hopital time in this case and did not count it against him.

Tom Hill suffers from arthritis;

Not seriously; he seems happy.

Bruce is almost completely crippled with a broken back.

I believe he had some trouble with his back, and in this case I gave him a special hospital bed, as good as any you find in the Ottawa hospital.

Tom Ewen complains of very bad headaches--

I fancy he may have had headaches; a good many of us have. But this letter would lead one to believe that we are keeping these men in there to their death, that although they were almost ready to go we would not hear the prayers of themselves or their wives for

Mr. Carter:

Mr. Gorr's are known to visit jail we find no ([illegible]), as well as the [illegible] in the prisoner's room, and there was nothing to alarm me in that certificate; I could find no cause for releasing him on the ground of ill health. Commutations were made in proper quarters at once by me. Gorr's case is not such as I would find anything more than course to any person in an institution of that kind, but they were liberated because their conduct had been good, showed that they [illegible] and no [illegible] the latter conditions.

Sen Carr is seriously ill.

That is not true. He was liberated last week.

But sick parole is denied him.

That also is untrue.

Popovich has been in the hospital some time.

Each of the prisoners has been in hospital, and under the minute hospital time is not computed in the days the prisoners are allowed. The good secretary [illegible] a period [illegible] in this case and did not count it against him.

[illegible]

[illegible]

[illegible]

[illegible] bed, as good as any you find in the [illegible].

[illegible]

[illegible] say.

[illegible] believe that we are keeping [illegible] men in there to [illegible] [illegible] were almost [illegible] to go we would not [illegible]

Mr. Guthrie:

release before death was upon them.

That is the kind of letter that has been circulated by this man Smith throughout Canada. Based on that, petitions come to me, telegrams come to me; I got two to-day. Three hundred Ukrainians from Calgary sent me one, and a number of people from northern Ontario the other; I do not know what their nationality is. All there is in the petitions is a demand that at once I release the seven communists; they do not even know that two are out now. Weal, they will be treated just as were the others.

One other matter mentioned particularly by the hon. member for Winnipeg North Centre, is that in regard to the shooting of Tim Buck. I made a statement on this in the house earlier in the session, and at that time I think perhaps I made a missatement because I said that ten or eleven shots had been fired into his cell, into the ceiling. The truth is that there was a rifle shot and a pistol bullet fired there, and a shotgum containg buckshot; and the total number of bullets which made marks in the cell was eleven. I believe the evidence discloses that there were three shots. Tim Buck has mad a statement, and I do not think he takes any exception to that in his statement. He was on the fourth tier in the prison, so that he would be about thirty-five to forty feet above the ground. The cells are arranged in tiers, back to back, and in front of each cell is a steel door or barrier, and in front of that again across a narrow corridor is a window. During the riot which took place on the twenty-second of the month--not the first riot; we shall call it the second--towards evening when it was growing dusk, about one hundred and fffty or one hundred and sixty convicts were not then in the cells--indeed we did not have cells for them and they were sleeping dormitories. They congregated below the cell block,

[illegible]

That is the kind of letter that has been circulated by this [illegible] from Calgary sent me one, and a number of people from northern [illegible] there is in the petitions is a demand that at once I release the seven communists: they do not even know that two are out now. Well, y will be treated just as were the others.

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Mr. Guthrie:

ripped up heavy planks from some building and started knocking off the locks of some of the cells with them. They had liberated quite a large number of prisoners. Buck was above this. He would come to his cell door and incite the prisoners to contine the riot "and get their rights." The guards had been armed with rifles and pistols for the purpose of meeting any emergency and suppressing it. The guards being on the croudn, forty-five or fifty feet below, looking up could see Buck only when he came and shouted from his cell door. Shots were fired for the purpose of fringhtening him or stopping him, or, as I said when I was speaking on the matter before, cowing him--not with the idea of injuring him. As I said on a previous occasion, if anyone had wanted to shoot Tim Buck or to injure him it would not have been a difficult thing to do. The best evidence that no one was shooting at him is that he was not injured, by the shots which were fired. After three shots were fired Buck quited down; he did no more. Buck has given evidence in regard to this matter at an investigation in the prison. It was not sworn evidence, but it was made on solemn affiramtion, because he did not desire to take an oath. He was asked if he could identify the officers who did the shooting, but he stated that he could not identify anyone. Then he was akked:

Q. In you opinion, was there provacation for shooting into D block?
A. Absolutely no provocation.
Q. Have yo at any time asked for an investigation into this shooting?
A. No, I have not demanded an investig tion, mainly because I consider the shooting to be a result of the general attitude adopted by the administration during that afternoon, and evening, rather than an isolated incident aimed solely at myself.

That is a very candid statement, and it is signed with the initials T.B. I think that is true. They did try to quell him and to quell the riots at the same time. Buck was inciting the crowd; he was calling on them to continue. His activities were stopped by the shots I have mentioned. I will say for Buck that he is amn enough

ripped up heavy planks from some building and started knocking off the locks on some of the cells with them. They had liberated quite a large number of prisoners. Buck was above this. He would come to the cell door and laying his prisoners in assisting the plot "did not their clubs." The guards had been armed with rifles and pistols for the purpose of meeting any emergency and suppressing it. The guards being in the minority, forty-five or fifty that number, learning of what Buck only then he made out during the full extent. Shots were fired for the purpose of frightening him or stopping him, so, I said when I was consulting of the marine barracks, getting him out with the fear of shooting him. He I went to a position commanding it myself and watched to assist the man by the driver that he would not have been able to do it effectually stopping to do. The best mechanic that he had was working with him in that he was not injured, so he was kept about until. After three shots were fired Buck quieted down; he did no more. Buck has given evidence in regard to this matter at an investigation in the prison. It was not sworn evidence, but it was made in perfect confidence, because he did not dare to take to with. He was asked if he would identify the officers who did the shooting. He answered that he could not identify any officer.

Q. In your opinion, was there provocation for shooting into D block?
A. Absolutely no provocation.
Q. Have you at any time asked for an investigation that was officially
A. No, I have not demanded an investigation, mainly because I quiet after the shooting to be a result of the general attitude adopted by the prisoners during that afternoon, and yesterday, making them an isolated instance which merely by chance.

That is a very candid statement, and it is signed with the initials T.B. I think that is true. Very few of us quail in the small hour of the dark time. Now the instinct was instant, he was making no idea to death. He anticipated the shooting. I will say for such prisoners in no such danger. I have contained. I will say for the same prisoners in no such danger

Mr. Guthrie:

to admit that the facts as I have stated them are substantially correct. I do not know who ordered the shooting. The first riot broke out on October 17. An agreement was come to whereby a trial before the civil courts was promised, and the men went back to their cells. The second riot occurred on October 20. The acting warden of the penitentiary was Gilbert Smith, a man of large penitentiary experience, who had acted as warden at a great many penitentiaries during the last twenty years. The deputy warden was named Walsh. These two officers were in control of the penitentiary. General Ormond, the superintendent, was not at Ottawa at the time; I telegraphed for him and sent him on to Kingston as quickly as possible, and he arrived there on the twentieth. He began an investigation; he asked the convicts to state their complaints if they had any. They refused to do so unless they could come as a delegation--I think they called it a soviet delegation--and make a plea in regard to this shop or that shop or the other shop, stating their grievances, and they wanted the investigation to take place in the chapel. The superintendent said, "No, I will not hear any committees. I will hear any prisoner who desires to make a complaint." As soon as that decision was reported back to the men the second riot started. The prison was still in control of the warden and the deputy warden. The deputy warden was the man who instructed the guards to arm. I think it was proper to do so under the circumstances. Arms are there for the guards for just such occurrences; otherwise we would have no way of controlling the situation. The deputy warden gave evidence at the inquiry which was held; he was asked:

Q. Are there any revolvers kept in the keepers' hall?
A. No, sir.
Q. What position did you take up and what action did you take up yourself?
A. When I went into the dome and the levers were broken--

July 3, 1934, cont'd.

Mr. Guthrie:

That was by the planks I mentioned.

--some had broken their toilets and water was running over the galleries. I stayed down there and as none of them came to the floor barriers up on the other barriers, I felt that they were as good as we could get them.
Q. Were you satisfied that they were under control?
A. Yes, sir.
Q. Did the officers receive arms before you left the dome?
A. I remember sending up for shotguns, sir, and they came through the dome, and just in the excitement I don't know how they were handed out.

There is no doubt that there was a good deal of excitement.

Q. What did you do after that?
A. After that the militia came in, and I just simply went around the galleries and kept a lookout.
Q. Did you go inside the barriers?
A. No sir, I went into the ducts.

There is no evidence at all that the militia fired any shots.

Q. How long did you remain in the dome after the milita arrived?
A. I stayed in the dome until it got dark. I dont know just how long that would be.
Q. In you belief did the militia save the situation?
A. Yes, I would say yes.
Q. After dark where did you take up duty?
A. After dark when the lights went on somebody reported that they were breaking through their cells on third F. You could see it from the yard through having the lights inside. I went out then. I saw tow men in cell from the yard...digging through the walls towards the end of third F range towards the chapel.
Q. Did you believe these men could dig out of the cell block?
A. I didn't think they could get into the chapel because it is a thick wall... but I wasn't sure they couldn't get into the duct. I went in the duct and put an officer in there.
Q. From the outside what action did you take?
A. I sent some officers up in the chapel in direct line where they were digging through the wall.
Q. Did you order any firing in the penitentiary?
A. No, sir.
Q. Did you carry firearms that evening?
A. Yes sir, a shotgun.
Q. Did you fire any shots yourself?
A. Yes, sir.
Q. How many?
A. At least two, sir.
Q. What did you shoot at?
A. I shot at the wall to scare those two fellows who were digging towards the chapel.
Q. How many guards were around the outside of the cell blocks?
A. There were groups of them all the way round.
Q. Did you take command of them?
A. I visited them.
Q. Did you place them in position?

Q. Did you, sir, see the

A. Outpost?

That was by the plants I mentioned.

--some had broken their toilets and water was running over the pallaches. I stayed down there and a group of them came to the floor barricade up on the other perimeter, I felt that they were as good as we could get them.

Q. Were you satisfied that they were sober enough?

A. Yes, sir.

Q. Did the officers receive from before you left the dance?

A. I remember sending up for ambulance, sir, and then came through the dance, and just in the excitement I don't know how they were handed out.

Q. There is no doubt that there was a good deal of excitement.

A. Yes, sir.

Q. What did you do after that?

A. After some one militia men in my car a group of men came to the pallaches and kept a lookout.

Q. Did you go inside the barriers?

A. No sir, I went into the dance.

There is no evidence at all that the militia fired any shots.

Q. How long did you remain in the dance after the militia arrived?

A. I stayed in the dance until it got warm. I don't know just how long that would be.

Q. In your belief did the militia save the situation?

A. Yes, I would say yes.

Q. After dark where did you take up duty?

A. After dark when the lights went on somebody [illegible] said they [illegible] something about a [illegible] in the yard. [illegible] the yard towards the lights [illegible]. I went [illegible] man in call from the yard...digging through the walls towards the [illegible] third P range towards the chapel.

Q. Did you [illegible] any shots?

A. I didn't think they could get into the chapel because [illegible] walk well... but I wasn't sure they couldn't get into the dance.

I went in the dance and an officer in there.

Q. Were you [illegible] in the dance?

A. [illegible] officers [illegible] in the dance [illegible] through the dance.

Q. Did you [illegible] during the [illegible]?

A. No, sir.

Q. Did you [illegible] firearms [illegible]?

A. Yes, sir, a [illegible].

Q. Did you fire your [illegible]?

A. Yes, sir.

Q. How many?

A. At least two, sir.

Q. What did [illegible] at?

A. I aimed at the wall to scare those two fellows who were digging [illegible] the wall.

Q. Did many people were around the outside of the wall [illegible]?

A. There were groups of [illegible] the way round.

Q. Did you take command of them?

A. I yelled them.

Q. Did you [illegible] them in position?

July 3, 1934, cont'd.

Mr. Guthrie:

A. I did, sir... that is around the corners.
Q. What instrucitions did you give them?
A. After the incident I had reference to... after that there was no more shooting I know of. I told them not do do any more shooting.
Q. You were of the opinion further shooting was unnecesssary?
A. I didn't think it was necessary after that. There seemed to be a lull.

While there is no statement that the deputy warden actually ordered the guards to fire, from what I know of the inquiry I conclude that he, as deputy warden, was the officer who would be entitled to do so if the warden was not on the scene at the moment. The statement has been made that General Ormond ordered the firing. General Ormond did not take control of that penitentiary until the twenty-second, two days later; he was there because I sent him there, but the warden was in control of the institution until the twenty-second. On the twenty-second when it became apparent the acting warden was giving way or had lost his never after the trials through which he had gone during the previous forty-eight hours, it became clear that he was not the man for the job. He was sent away for a rest and after that, on my instructions, the superintendent took charge of that penitentiary. That was after the riot was over, and an inquiry was held which lasted for approximately two months. Nine hundred prisoners were examined; they stated their complaints, which were taken down, and I have read them all.

Many of the complaints made by prisoners would appear trivial to many of us, but they mean much to these men. Of complaints then made there are very few which have not been remedied. The chief complain was about cigarette papers and cigarette smoking; that was granted. Another complaint was in regard to the silence rule; that was granted. The question of hair cutting, the close cropped head, was also dealth with. Open air exercise was dealt with; permission to have certain toilet articles was granted. Altogether thirty-eight

Mr. Gallagher.

A. I did, sir... that is around the corners.
Q. What investigations did you give them?
A. After the incident I had interview [illegible]
more about it than I know of. I told them not to do any more execution.
Q. Did you of the opinion further about no was unnecessary?
A. I didn't think it was necessary after that. There seemed to be a lull.

While there is no statement that the deputy warden actually [illegible] [illegible] plain fact be, as deputy warden, was the officer who would be entitled to do so if the warden was not on the scene at the moment. The [illegible] [illegible] twenty-second, two days later; he was there because I sent him there, but the warden was in control of the institution until the twenty-second. On the twenty-second when it became apparent the action [illegible] was giving way or had lost his nerve after the trials through which he had gone [illegible] it became clear that he was not the man for the job. He was sent away for a rest and after that, on my instructions, the superintendent took charge of that penitentiary. That was after the riot was over, and an inquiry was held which lasted for approximately two months. Nine hundred witnesses were [illegible] [illegible] were taken down, and I have read them all.

Many of the complaints [illegible] trivial to many of us, but they mean much to these men. Of complaints [illegible] complain was about cigarette papers and cigarette smoking; that was [illegible] [illegible] the prison. The question of hair cutting, the close cropped head, [illegible] from air conditions were dealt with; ventilation [illegible] [illegible]

Mr. Guthrie:

requests were granted and I think probably about twenty-five requests were not granted. Some of the prisoners insisted on theatres, radios, football and baseball matches and the like. The vast majority of the men, however, emphasized those matters to which I have referred, and the great majority of the complaints were in regard to cigarette paper. The officers and staff were all examined with the idea of seeing what, if anything, was defective in the system and after the most thorough investigation it was decided to relieve certain officers on the staff from duty. That was only done after careful examination. I think the only complaints I have had in regard to the retirement of officers were from my hon. friend from Kingston City and from the men themselves, so I need not go further than I have already gone this afternoon in stating that all the papers and documents are available to the hon. member for Kingston City if he desires to examine them.

There is one further point about which I should like to speak. I have been asked specially by the hon. members for Winnipeg North Centre and Kingston why Warden Megloughlin was recently removed. I have no hesitation in giving the reason, and my statement will be somewhat similar to the statement I made in the house on a former occasion. Apparently the warden did not carry out the definite instructions given to wardens in regard to penitentiary regulations. I mentioned some of them. He did not institute the course of exercises laid down in the regulations, but permitted a certain looseness which developed into noisy baseball games and demonstrations which are not permissible under penitentiary regulations. Such sports are permitted in Sing Sing penitentiary in New York, and one of the demands made by some prisoners in Kingston is that that they be granted all the privileges granted in Sing Sing. Another point

Mr. Guthrie:

was in regard to smoking. Very definte regualtions have been passed that smoking must not be permitted in any building where there is inflammable material. That regulation I am afraid the warden disregarded, and two fires ensued. Whether such fires were caused by smoking or by some other means I am not prepared to say; we have not yet been able to ascertain that fact. There were a number of other regulations which at the moment I cannot recall, but action was taken because of the warden's failure to put regulations into force. They are in force in the other Canadian penitentiaries. I admit that Warden Megloughlin had a very difficult task during his eighteen months at Kingston. It may be that on account of the peculiar situation there he used his own discretion, and thought it well not to put certain regualtions into force. He did not institute a system of segregation such as I have described and such as was instituted in all the other penitentiaries in Canada. Perhaps he was not able to do so on account of the situation. He did not institute the training of staff officers and guards, as was ordered two years ago, and as has been carried on for at least eighteen months in all other Canadian penitentiaries. There were a number of regualtions of that kind which were not put in force at Kingston, with the result that disorder broke out again. I described these disorders when I last spoke to the house concerning this matter, and I believe I need not repeat my observations.

I do not know that I can condemen Warden Megloughlin on account of his experience as warden in Kingston penitentiary. He had a most difficult time, but he did not bring the results which we anticipated. After a pretty full and careful inquiry I came to the conclusion that I would have to make a change. When I intimated my decision to the warden he told me after he had time to consider it

Mr. Guthrie:

he would prefer to resign. I accepted his resignation.

Unless some hon. member wishes to ask a question, that is all I have to say on the subject at the present time.

Miss Macphail: Mr. Chairman, I shall be through in the fifteen minutes I said I would take. I think anybody who has followed penitentiary conditions in Canda during the last three or four years must know that a great mahy if not all of the changes which have been made in penitentiary administration have come as a result of the uprisings or riots, or whatever they may be termed. I think at one point in his speech the Minister of Justice (Mr. Guthrie) said that the silence rule had been lifted some time previous to the riots, and then later, a few minutes ago, he said that it was--

Mr. Guthrie: No, I said it had been discussed with General Ormond on the 10th or 11th of September.

Miss Macphail: But it was not lifted until after. I had intended to read on Saturday night, but found it difficult to proceed in the then temper of the house, the excellent changes which have been made in the administration of penitentiaries. Those changes have been made since and not before the riots, unless it is in the matter of shackling to the bars. I have now come to the conslusion that very often ministers of justice are not aware of what is done. I believe the present minister (Mr. Guthrie) is how aware because there have been several disturbances as a result of which he has made carefull inquiries. But they do not always know what is going on. I recall on one occasion asking about shackling to the bars and the then minister (Mr. Lapointe) said that the men were not shackled for any length of time, that their hands were never shackled higher than their waists, when the acutal fact was they were shackled wight hours at a time to be let down only at noon, and their hands were placed high

Miss Macphail:

above their heads. I believe that the present minister did not know about many of the things that were going on previous to the riots. But as I follow the whole thing through--statements in court, judgments rendered, newspaper accounts, and statement made in the house by the minister--I come to the conclusion that the changes which have been made have been made as a result of long, long unnecessary years of suffering which would not have occurred had the recommendations of Superintendent Hughes been carried out. Brigadier General Hughes made most excellent recommendatiions year after year, as appears in penitentiary reports, and had those recommendations been acted upon I am quite sure we would have avoided the greatest part of the difficulty, such as the great fires at St. Vincent de Paul and Kingson penitentiaries. Possibly the riots would have been avoided as well.

Let me now read to the house, in order to perfectly fair, the changes which have taken place wither very close to or since the time of the riots:

1. No corporal punishment until after the evidence has been taken under oath and award approved by superintendent.

2. Shackling to cellgate abolished.

3. Standardiz ation of a minimum period of exercise in the fresh air for convicts employed in shops or cells--half systematic and half free movement.

4. Increased visits of relatives. Letters by convicts increased from one to three letters a month, but only to close relatives which shuts off many.

5. Close cropping of hair abolished except in the case of convicts who had previously escaped from a penal institution.

6. Introduction of compulsory education for teachable illiterate convicts, school to be carried on during working hours.

7. Silence rule broken--can talk from cell to cell until 7 p.m.

I notice that Superintendent Ormond recommends against the continuance of the talking principle. I read very carefully the list of recommendations and reports of Superintendent Ormond, as well as

July 3, 1934, cont'd.

Miss Macphail:

his special report on conduct of Warden Smith and Deputy Warden Walsh. That is, he laid a very great deal of blame--whether the blame should have been laid there or not I do not know--upon Warden Smith and Deput Warden Walsh. I recall that last winter when the Minister of Justice was talking on this subject he placed almost all the blame for the disturbances at the door of the communists. I dislike them intensely, probably more than the Minister of Justice does.

Some hon. Members: Oh,oh.

Miss Macphail: Oh yes, I do.

Mr. MacDougall: What about this syphilitic fellow you are talking about?

Miss Macphail: I will let you deal with that. I dislike the philosophy and technique of communism, but because I do dislike it and because I never want communists to become a force in Canada, I have always argued and voted in favour of eliminating section 98 of the criminal code, because I do think the way we are going about to get rid of communism is not British and is non-effective. It would not matter so much if it were not British, but it is non-effective. The first thing we know we will have Tim Buck associations all over the country. I disagree with the government, yes, but certainly not because I have any use for communism. I do feel that some of the methods used in dealing with communists were about the worst methods which could have been used under the circumstances.

I should like again to refer to the judgement of Judge Deroche, because after all it is as authenitec as anything we can get. He says at the bottom of page six:

The crime of which I find Kirkland guilty is punishable with seven years' imprisonment. I do not intend to give him seven years. The riot itself was not as serious as it might have been. The men were in full charge that afternoon for some length of time. The warden

Miss Macphail:

The minister proceeds to condemn in common terms and imputing motives that is, he laid a very great deal of blame--whether the blame should have been laid there or not I do not know--upon Wartime Prices and Trade Board Order. I should think that minister knew the dilemma of trying to explain to the public the [illegible] for the disturbances at the door of the committee. I dislike them intensely, probably more than the minister of Justice does.

Some hon. Members: Oh, oh.

Miss Macphail: Oh yes, I do.

Mr. Macdonald: What about this syphilitic fellow you are talking about?

Miss Macphail: I will let you deal with that. I dislike the philosophy and technique of committees but because I am dissatisfied in my case I never want committees to become a force in Canada. I have always argued and voted in favour of eliminating section 98 of the criminal code. Because I do not like any [illegible] matter so much if it were not British, but it is non-effective. The first thing we know we will have Film Book associations all over the country. I disagree with the government, yes, but [illegible] I have my own Bar Association. In the past [illegible] methods used in dealing with communists were about the worst methods that would have been used under the circumstances.

I should like again to refer to the judgment of Judge [illegible]. However, because after all it is as authentic as anything we can get. The main at the bottom of page six:

The value of which [illegible] Fund Kirkland unity is concerned with [illegible] years' imprisonment. I do not intend to give him seven years. [illegible] the [illegible] was not as serious as [illegible] [illegible] to full serving your sentence for some length of time.

Miss Macphail:

and staff had lost control completely. The men could have destroyed property at will, and could have done personal violence to the warden officers and guards. They might, I think practically all have escaped if they had desired, but, generally speaking, no attempt was made to do any of these things as such. More than that, the leaders, or perhaps I should say the speakers, as they deny being leaders, the speakers at least restrained the men from doing any violence or injury, and as far as Kirkland is concerned, he obeyed that order, possibly gave the order himself.

He goes on to say, and I quoted this on Saturday night but quote it again in view of what has been said:

Then to go back to the cause of the riot. This peaceful demonstration which developed into a riot, was for the purpose of emphasizing the demands of the men for redress of certain grievances which had been long and repeatedly denied them.

This judgment was given on May 11, 1933, and the riots took place on October 17 and 20, 1932. Quoting again from the report:

Many of the grievances for which this demonstration was staged have already been granted to the men, proving conclusively to my mind that those demands must have been reasonable.

That is the statement I have always made. But it took all this, the riot, Major Nickle's letter, whether it is correct in every detail or not, and Canon Scott's preaching about it and our talking about it in the house to get to the stage where remedies were applied.

Mr. Guthrie: It was all done before that--December 31, 1932.

Miss Macphail: However, I have my own opinion in regard to the matter and it is as I have stated. The ministe has referred to the British system. I have been readin the book to which he referred, The Modern English Prison, and anyone who reads that book will see that in many ways the British system is severe, and I think severity is a very good thing. It is justice that matters, not severity. I think that prisoners as well as children and adults can stand a good deal of severity if it is justly administered and if they respect the people who administer it. In reading this book, as the minister no doubt has, he must have found that a great deal is done in the English prisons to counteract the deadly influence mentally and physically

Miss Macphail:

on the prisoner of the monotony and the fear and all that goes to make up prison life. They have, for instance, approved visitors who are allowed to go the cells in the evening of very well behaved prisoners and help them invarious wgys, by conversation and planning for their future and all sort of things.

Mr. Guthrie: We allow that.

Miss Macphail; Then on page 84, in regard to discipling, I read this:

Reports for these offences can only be dealth with by the visiting committee, of whom not less than three, two being justices of the peace, must adjudicate, their inquiry being held on oath. If corporal punishment is ordered, the order must be submitted to the secretary of State for confimmation, with the evidence. The committee may order other punishment within their powers in addition to or in lieu of the corporal punishment.

And them in relation to eduegtion the author goes on to show how much the British have improved their educational system within the prisons. I quote:

The prison authority still remains in a sense an educational authority; but the role it plays is not ambitious, and does not aim higher than to teach the illiterate to read and write, and in the small space an opportunity given, to raise to a higher standard thos who are just a little better than illiterates.

He goes on to show that great change has been made. To quote further:

Five years, later we read; "The adult education classes have shown some further development during the year under review. The number of classes held has increased and they have been attended by some 9,000 individual prisoners."

Quoting again:

This"Adult education scheme" was set up in 1923 with the advice and cooperation of the adult education committee of the board of education. Its aim is not, primarily to improve the "standard" of imperfectly educated prisoners, but to counteract the mental deterioration inevitably attendant on prison life, and to increase the prisoner's fitness for citizenship, by stimualting his mind and furnishing it with material for healthy activity in confinement, and of continuing value in after life. Evening classes are held in the prison after long hours of associated labour, and the subjects are chosen on the broadest basis to include not only "school" subjects such as history mathematics, or modern languages, but "vocational" subjects such as shorthand, gardening, technical trade courses, or handicrafts,

Miss Macphail:

And so on. In relation to care after discharge the author goes on to say that one of the greatest difficulties is the reestablishment of the man when he comes out of prison. No matter how much a ann may want to learn a trade in prison, when he comes out he had not a trade at his finger ends that eh has learned from beginning to end, and what knowledge the prisoner possesses ofa trade is incomplete. The author goes on to say at pages 130 and 131 that in England they have set up a Federation of Northern and Midland Aid Societies which are partly voluntary organizations but partly governmental inasmuch as they receive a government grant for accepting responsibility for the prisoners returned to this area.

These are but three or four thing from the British system which show how very much in advance they are to anything we have here.

I want to take one moment to speak of Lewis E. Lawes, warden of Sing Sing, who has written a very excellent book called Life and Death in Sing Sing, and in that he says much of what we all want. He sys that when prisoners come they are very carefully examined by psychiatrists, psychologists and medical men. He says:

> These prisoner will be subjected to a period of observation and study by the administrative department in order that it may get a line on their general character, by the medical department for physical condition and disease, by the psychiatric clinic to ascertain their mentality, by the school for their education, by the industrial department for vocational ability, and by the chaplains for moral and religious ideas.

And further:

> This work is now being done in part ohly, but each of the departments has been established and is now functioning. The last department, the psychiatric clinic, was started in 1927 and within a year was utilizing the services of psychiatrist, assistant psychiatrist, psychologist, and two field investigators.

And then I quote from the last paragraph of his book:

> From personal experience it is my firm belief that much of the recidivism (crim repeating) is due to the fact that the ten dollars

Miss Macphail:

And so on. In relation to care after discharge the author goes on to say that one of the greatest difficulties in the reestablishment of the man when he comes out of prison. No matter how much a man may want to learn a trade in prison, when he comes out to find no trade at his disposal, and what knowledge the prisoner possesses of a trade is lost(?)ete. The author goes on to say that 240 and 241 of the Criminal Code have given rise to a [illegible] of [illegible] institutions which are very [illegible] [illegible] mental inmates as they receive a government grant for accepting responsibility for the prisoners returned to this area.

These are but three or four things from the British system which even the ones which in account they are [illegible] to have here.

I want to take one moment to speak of Lewis E. Lawes, warden of Sing Sing, who has written a very excellent book called Life and Death in Sing Sing, and in that he says much of what we all want. He says that when prisoners come they are very carefully examined by psychiatrists, psychologists and medical men. He says:

> Some prisoners will be diagnosed as a period of observation and study by the administrative department in order that it may be determined on their general character, by the medical department, for physical condition and ailments, by the psychiatric staff, to determine their responsibility, by the school for their educational, by the industrial department for vocational ability, and by the chaplain for moral and religious ideas.

and further:

> This work is now being done in many ways. Not many of the departments are been established for in the investigation. The last department, the psychiatric staff, was started in 1927 and within a year was utilizing the services of psychiatrist, assistant psychiatrists, psychologist, and two field representatives.

And then I quote from the book prepared by the [illegible]

> Some interesting experiences it is to find mental [illegible] the rehabilitation [illegible] so far as the fact that we are [illegible]

Miss Macphail:

which the state pays a prisoner upon release is insufficient with his other handicaps to enable him to get a real start.

He goes on to tell that he has made it his business as warden to give the men who needed it small loans and that in almost every case they have repaid the loan. He thinks that some assistance on the discharge of the prisoner is needed in order to get him re-established again.

The minister has referred to the Canadian Prisoners Welfare Association, of which I am a member, but whose meetings I may say, in order I may not prejudice theminister, I have never attended. They say in their report:

In our experience very few penitents emerge from our penitentiaries, a fact which shows how signally our penitive system fails to correct and discipline.

On top of that we can take it from the superintendents's report that seventy-five per cent of our prison population have had previous convictions and over fifty per cent have served previous terms in a penitentiary.

That shows that the system we are using has not been good enough. It is not reclaiming as many men as I feel should be reclaimed, granting that twenty per cent are incorrigibles, using the superintendent's own figure, the highest figure that has been used by any investigating committee or royal commission report or penologist's statement I have read.

In closing I am going to make the following recommendations to the minister.

I think that the spirit of our penitentiaries should be one that seeks the reform of the convict rather than his punishment. The reform of the convict should be the aim of penitentiary administration, and to simplify this work the hardened, brutalized and dangerous prisoners, usually called incorrigibles, should serve an indeterminate

in a to enable him to get a real start.

He goes on to tell that he has made it his business as

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in the discharge of the ex-convict is needed in order to get him re-

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ded to correct and discipline.

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report that seventy-five per cent of our prison population have had

a convictions and over fifty per cent have served previous

terms in penitentiary.

That shows that the system we are using has not been good

enough. It is not regulating as many men as I feel should be regulated

properly. Some people are incorrigible, using the expression

introduced some time, the highest figure that has been used by any

witness in connection with Canadian penitentiary reform is

seventeen per cent.

In closing I am going to make the following recommendations

for consideration:

First, the spirit of our penitentiaries should be one

that means the reform of the convicted - that is paramount. The

prison or the penitentiary should be the last resort, and

we should simplify this work the business, [illegible]

generally called incorrigibles, which seems to [illegible]

Miss Macphail:

sentence in one prison. According to the figures given by the Minister of Justice, the superintendent of penitentiaries and the investigation committees, their numbers in no case exceed 20 per cent of the prison population and were quoted as low as 5 per cent by the royal commission in 1914. I am sure it is higher now. My second recommendation is the appointment of a superintendent trained in penology. There should be no more political or military appointments. Then there should be a system of adequate training for officials and guards, either a central one for all the penitentiairies or a smaller one in each. I would suggest also the classification and segregation of prisoners. Nothing more than an attempt has been made in that direction. We should have too a medical officer with some training in psychiatry and a travelling medical superintendent with psychiatric specialty. There should be no mental defectives or menatlly diseased in the penitentiaries, and there should be work with pay, for good work, even if the pay is small, as a bit of encouragement. I submit that there should be properly supervised work by which the inmates are taught a trade from the beginning to the end of that trade, instead of such instruction being as now so small that the prisoner cannot find any work when he gets out. Every inmate should be in school part of the time, school sessions being held morning, afternoon and evening, if necessary, to accomplish this. Thos who are learning shoe repairing, for instnace, should be taught the whole business or their instruction will be useless. In regard to the question of inmates attending school, much more time should be devoted to this purpose than until recently has been the case, and certainly it should not be only during the noon hour. Until recently the only time during which prisoners could receive instruction or listen to lectures was between the time they had their lunch and the

Mr. A. Ross, Esq., K.C.,

Sir:

Referring to the figures given by the Minister of Justice, the superintendent of penitentiaries and the investigation committee, their numbers in no case exceed 20 per cent of the prison population and were equal to, or in a few cases in the right nomination in 1914. I am sure it is higher now. My second proposition is the appointment of a secretary and in penology. There should be no more political or military appointments. Our jails should be a system of reformatory training for officials and guards, either a central one for all the penitentiaries or a smaller one in each. I would suggest also the classification and segregation of prisoners. Nothing more than an attempt has been made in that direction. We should have too a medical officer with some training in penitentiary and a medical assistant with psychiatric specialty. There should be no mental defectives or mentally diseased in the penitentiaries, and there should be work with pay. Our good work also if the pay is small, is a bill of encouragement. I submit that there should be properly supervised work by which the inmates are taught a trade from the beginning to the end of their term, instead of work instructors who do not go small and the prisoner cannot find any work when he gets out. Every inmate should be in school part of the time, school sessions being held morning, afternoon and evening, and necessary, in correctional jails. Those who are learning also reading, for instance, should be taught how to write readings or their instruction will be useless. In regard to the matrons of female prisons, they have been appointed by members in this province than until recently has been the case, and certainly it should not be only during the good boys. Until recently the only time during which visitors could generally visit in Ontario were between the time they had their lunch and the

Miss Macphail:

time they went to work again, which could never be more than forty minutes and usually less.

There should be properly supervised physical recreation. I do not see how keeping a man in solitary confinement, in a a prison of isolation or whatever you like to call it, for two years, with forty minutes out a day, will make a man of him. I do not think it will improve him. Then there should be non-compulsory church attendance but increased facilities for personal religious work for thos who want it. It is contrary to the idea of religion to drive people to listen to sermons if they do not want to go, but under a proper policy in this regard, if they recieved that sort of religious training, it is possible that after a while they would want to attend church services. At any rate, it would be better to have only those go to church who wanted to do so than to have them all go against their will.

Something is needed in the way of a supervising travelling board for inspection and paroles, one of whom would be the travelling psychiatrist, as I have mentioned before. In this connection I wish to indicate the method used in New York state. The parole board there is composed of two prison officials, the state commissioner of correction and the warden of the prisnn in which the the prisoner is confined, and a third man whose training and point of view are essentially social. This board, according to the laws of the state, is neither a political nor a philantrhopic organization but is composed of practical men who understand the crime problem. Lastly, we shall never succeed in reclaiming prisoners until some assistance is given them on release, not necessarily monetary assistance, but aid through prisoners' welfare associations or a combination of voluntary and government bodies. There should be a group of citizens outside

Miss Macphail:

willing to give a helping hand, whether by way of a word of encouragement or a job or a loan or whatever it may be, to the man or woman who cannot get themselves reestablished in life. If we follow the constructive suggestions and undertake as rapidly as possible some of the things that are done in British prisons and in Sing Sing-- and all these recommendations do not come from those two sources--we shall do a great deal to lessen the tremendous number who go back to penitentiary for a second, third and fourth term.

I do not want to say anything more now except that I feel that, all that has happened having happened, it is in the public interest to have an impartial investigation which in all probability will result in far-reaching recommendations that will change the spirit of our penitentiairies without necessarily lessening discipline. In the very nature of things discipline must be severe, but it can be just and I submit that it could be administered better than it has been up until now.

Mr. Mullins: Inasmuch as my name was mentioned freely by the hon. member for Southeast Grey (Miss Macphail) and the Toronto Globe, I want to sya a few words in regard to this matter. A headline in the Toronto Globe reads:

Nickle exposes "Cook's tour" prison visits.

Let me say to this committee that it was nottwo children who entered the prison gates but one was an outstanding clergyman of Toronto and mayself, under an agreement to see whether the things that were mentioned in the letter read by the hon. member for Winnipeg North Centre (Mr. Woodsworth) existed or not. I said to my personal friend the Rev. W. A. Cameron, "let us go to this institution and see whether these things exist, and if they do I will let the chips fall in the House of Commons wherever they may; I will spare no one." We

Mr. Mullins:

entered that institution, and why the visit of that reverend gentleman and myself should be heralded in the front page of that newspaper by Mr. Nickle I do not know. I do not know this man, but he suggests that I am a relative of General Ormond. Let me quote what is reported:

> Sometimes one wonders why Mr. Mullins takes such an interest in penitentiary affairs by publishing that all is well at the Kingston penitentiary. Can it be that Mr. Daniel Ormond, by family ties, or otherwise, has an influence in Mr Mullins' riding?

General Ormond has no relatives in my riding, nor am I in any way a relative of General Ormond, and that statement is like a lot of other statements made by this man Nickle from Kingston. On my visit to Kingston I said to the warden when I got inside the gate, "I want to see what I want to see, not what you want to show me," and he turned Mr. Cameron and myself loose in the penitentiary and said, "Go where you like, interview whom you like."

I came agross several men ther, men whom I happened to know from Manitoba, and one had been a school teacher; he had taaught school in the norther part of Manitova. I took him to one side and said to him, "I have known you a long time: can you give me some idea of what is going on in this institution? Is there anything wrong?" He replied that there was absolutely nothing wrong; there was the very best food and everything was all right. I went there entirely on behalf of the men who were incarcerated in that institution, and in the report I made to the Minister of Justice I asked him to substitute for the khaki uniform a blue suit, which might have a better effect on those inside the institution. I saw the best food that could be given any man on aluminum dishes that were afterwards washed. I asked the question particularly whether there were any contacts, whether the same dishes were used by men who were diseased He told me positively no, and showed me the tub in which the dishes

Dr. Griffiths:

Answer that interjection, and do the kind of just pressure Question-
ing and speak sounds in unknown in my ground that I don't Ques-
tion by Mr. Nickle I do not know. I do not know this man, but he
suggests that I am a relative of General Omond. Let me quote what
is reported:

Questions are pouring into Dr. Griffiths across what is reported
to exploitation strikes by practicing that he is well at the Prog-
ressive penitentiary. Can it be that Mr. Daniel Omond, by family
ties, or otherwise, has an influence in Dr Griffiths' policy?

General Omond has no relatives in my family, nor am I in
any way a relative of General Omond, and that statement is like a
lot of other statements made by this man Nickle from Kingston. On
a visit to Kingston I said to the warden when I got inside the
gate, "I want to see what I want to see, not what you want to show
me," and he turned Mr. Cameron and myself loose in the penitentiary
and said, "Go where you like, interview who you like."

I came across several men there, men whom I happened to
know from Hamilton, and one had been a school teacher; he had
charge of school in the barrack part of building. I then had to go
aside and said to him, "I have known you a long time: can you give me
some idea of what is going on in this institution? Is there anything
wrong?" He replied that there was absolutely nothing wrong; there
was the very best food and everything was all right. I went there
entirely on behalf of the men who had been interrogated in their initiative
and in the report I made to the Minister of Justice I asked him to
institute for the local authorities a line only, which shall have a
better effect in their lives in institutions. I put the case that
that would be after you had an opportunity to have just such a
method. I agree the authorities particularly therein could have been
careful, whether the same illness was used by them as had already
in this be publicly so, and proved on the 'phone to which the Dinner

Mr. Mullins:

were washed and we satisfied ourselves along that line. We remained until supper time to see the men go by in cafeteria style. One of them had a dish, nearly as large as the aluminum tray they give you in the House of Commons cafeteria. It had four partitions and in one corner there was a splendid piece of roast beef; in another, cabbage; in another potatoes, and in another, prunes. Then on top of that was a nice current bun, a large mug of tea and three ears of corn. That was the supper, and I would like to ask hon. members if they would want any better food than that. The food supply was of the very best.

All these statements that were made were made for some purpose and I cam to the conclusion that they were made for political purposes. I see now that since the Minister of Justice has made his statement my hon. friends are mdifying their attitude. So far as I was concerned, if there was anything wrong or any ill treatment of them, I was prepared to take the matter up strongly on the floor of this house. The people that are in those institutions are not Sunday school teachers. One of them came to me and gave me a story. He said that he had seen me in thepenitentiary; he gave me a line of talk and out of sympathy I tried to get him a position. At that time I was in Toronto. I gave him all the money I had in my pocket. When I came to look up his record I found that I was up against one of the worst crooks ever in a penitentiary; he had more than eight convictions against him. This same gentleman played the same game with one of my hon. frieds in the house whom I can see from where I am speaking, and got money fromhim in the same way. I looked into every detail in that institution solely on behalf of the men, and I can say, having seen prisons in England, that our prisoners are fed and taken care of and treated as well as any prisoners that can be found in any part of that country.

r. Mullens:

more wooded and so satisfied a reviews along that line. We reached until supper time to see the men go by, in esthetic style. One of them had a dish, nearly as large as the minimum they give you in the House of Commons cafeteria. It had four partitions and in one in another potatoes, and in another, prunes. Then on top of that was a nice cooked bun, a large mug of tea and three cans of cocoa. That was the supper, and I would like to ask hon. members if they would want any better food than that. The food supply was of the very best.

All these statements that were made were made for some purposes. I see now that since the Minister of Justice has made his statement my hon. friends are modifying their attitude. So far as I was concerned, if there was anything wrong or any ill treatment of them, I was prepared to take the matter up strongly on the floor of this House. The people that are in these institutions are very

ly school teachers. One of them came to me and gave me a story. he said that he had seen me in the penitentiary; he gave me a line of talk and out of sympathy I tried to get him a position. At that time I was in Toronto. I gave him all the money I had in my pocket. When I came to look up his record I found that I was up against one

Mr. Sanderson: I hope the Prime Minister (Mr. Bennett) and the Minister of Justice (Mr. Guthrie) will not think I am endeavouring to delay prorogation. I would draw their attention to the fact that since three o'clock this afternoon I am the only member of the official opposition who has stood up to speak; the speaking has been done from the group in the corner to my left and from the government benches, but I feel that on this matter I should like to go on record and I shall be only a few minutes.

This question of the administration of penal institutions is a very vital one in the constituency that I have the honour to represent in this house. Starting about a year ago and continuing all summer and into the fall, perhaps I had more visitors, requests and correspondence in regard to the condition at Kingston penitentiary than in regard to any other question that was put before me. In the town in which I live the whole population seemed to be very much stirred up in connection with not only penal institutions in the dominion generally, but especially Kingston penitentiary. As a matter of fact, one of our most prominent citizens in the town in which I reside addressed to me through the local newspaper an open letter to which he asked me to reply, requesting that I putmyself on record as to what I knew about conditions in Kingston penitentiary. This gentlemen, as I said, is a prominent citizen, prominent not only in business but in church and social welfare life. I want to say to the Minister of Justice--and I am sorry I have not before me a copy of this gentleman's letter and of my reply thereto--that this person was not at all critical of the Minister of Justice or of the department or of the government. He was seeking the light in regard to conditions in Kingston penitentiaryp perhaps he thought I might be able to throw some light on the question and he asked that I reply to his letter.

Seaborne: I hope the Prime Minister (Mr. Bennett) and the Minister of Justice (Mr. Ilsley) will not think, by implication, I am [illegible] prosperity. I would draw their attention to the fact that since [illegible] opposition who has stood up to assert; the speaking has been done from the group in the corner to my left and from the government benches. And I feel that [illegible] and I shall be only a few minutes.

This question of the administration of penal institutions is a very vexed one in the penitentiary [illegible] represent in this house. Starting about a year ago and continuing all [illegible] correspondence in regard to the condition at Kingston penitentiary [illegible] the town in which I live the whole population seemed to be very much stirred up in connection with not only penal institutions in the Maritime provinces, but especially Kingston penitentiary. In a letter [illegible] one of our most prominent citizens in the town in which I [illegible] gentlemen, as I said, in a prominent citizen, prominent not only in business but in church and social welfare life. I want to say [illegible] of this gentleman's letter and of my reply thereto--that time [illegible] was not at all critical of the Minister of Justice or of the [illegible] of this Government. We was seeking the right in regard [illegible] in Kingston penitentiary [illegible] [illegible] young in the nation.

Mr. Sanderson:

I did so, but I said that had no more knowledge than any other citizen, of conditions in Kingston penitentiary, with this one exception, that perhaps I had had the privilege of hearing the debates in the House of Commons; that I had followed carefully the debates to which I had listened here and that I had followed carefully the letter of Doctor Withrow which appeared in the Toronto Globe last summer for many days perhaps two months almost daily, and also the letters of those who had been drawn into the controversy, sent to the Globe and to the newspapers generally.

Hon. members will remember that starting perhaps a year ago now and continuing all summer and fall, the newspapers, especially in regard to conditions in Kingston penitentiary. I said in my letter that I thought conditions in that or any other penitentiary in the dominion were from the very nature of such institutions more or less of a closed book and that they had to be and that the public did not know very much about them. In regard to the letters of Doctor Withrow I said that I did not know whether they were true or false, and the public would have to weight the matter as carefully as they could, read the statements of Doctor Withrow and, if you like, of other ex-inmates of the penitentiary and compare them with reports of the penitentiary and statements that had been made by the hon. member for Kingston City (Mr. Ross) in the house, by Mr. Nickle senior and Mr. Nickle junior. Even then I said--and I repeat it here this afternoon--that out of this conflict of opinion and of tetimony or evidence, whatever you like to call it, nothing had come to clear the situation in regard to the administration of penal institutions in this country.

I claim that thos who are unfortunate enough to commit a crime, are found guilty and are sent to a penal institution, are sent

Mr. Gardenson:

I did so, but I said that had no more knowledge than any other citizen, of conditions in Kingston penitentiary, with the one exception, that perhaps as I had had the privilege of speaking the debates in the House of Commons; that I had followed carefully the debates to which I had listened here and that I had followed carefully the letter of Doctor Ritchie which appeared in the Toronto Globe last summer for many days perhaps two months almost daily, and also the letters of those who had been down into the penitentiary, sent to the Globe and to the newspapers generally.

Mem. members will remember that appearing across a page now and continuing all summer and fall, the newspapers, especially in regard to conditions in Kingston penitentiary. I said in my letter that I thought conditions in that or any other penitentiary in the Dominion were from the very nature of such institutions more or less of a closed book and that they had to be and that the public did not know very much about them. In regard to the letters of Doctor Ritchie (Dr. J. Ob. and Doctor Ritchie) I said at first, and the public was now in a better position to judge, read the statements of Doctor Ritchie and, if you like, of other ex-inmates of the penitentiary and members from the House with regards the penitentiary and statements that had been made by the member for Kingston City (Mr. Ross) in the House, by Mr. Wickle member and Mr. Wickle junior. Even then I said--and I repeat it now with a difference--that out of this conflict of testimony and testimony or evidence, we never got time to sift it. Even if we had we never had the attention in regard to the administration of penal institutions in this country.

I claim that those who are unfortunate enough to commit a crime, are found guilty and are sent to a penal institution, are sent

Mr. Sanderson:

there for punishment and should be punished. On the other hand, what is done for them in the way of their daily rountine, daily life and so on, should be humane. The great question is: Has any reform been instituted in our penitentiaries during the last few years? I am free to confess that after listening very carefully and with a good deal of interest to the statement made by the Minister of Justice this afternoon, I think it would have been better for him and the government and more satisfactory to the country if he had made that statement perhaps a year ago instead of delaying it to this late date. I do not want to go into the question of what happened on Saturday but I think it is a very fortuante thing for the Minister of Justice that the house did not prorogue on Saturday night and that he had the opportunity to make the statement he made this afternoon. However, I am not yet fully satisfied that the administration of the institution is as it should be. I have not much criticism of the superintendent, other than this, that it appears to me that if you get too many military men in control of the discipline in these institutions you have not always the right kind of men. Military discipline is all right during a war, but if you get certain types of officers and guards and wardens in attendance at these institutions, with the military system operating twenty-four hours a day, to my mind it is not the right system.

I do not want to detain the committee any longer. I would recommend to the Minister of Justice and to the government, as the hon. member for Southeast Grey and one or two others have said, and as I said in my letter about a year ago to the hon. member for St. Mary (Mr. Deslauriers), that a royal commission or some sort of commission be appointed to investigate thoroughly, without bias or prejudice, no matter who was hurt by the evidence that came out,

Mr. Chairman:

there for consideration and should be considered. On a minor point, what is done for them in the way of their daily routine, daily life and so on, should be humane. The great question is: has any reform been instituted in our penitentiaries during the last few years? I am free to confess that after listening very carefully and with a good deal of interest to the statement made by the minister of Justice this afternoon, I think it would have been better for the government and more satisfactory to the country if we had made that statement perhaps a year ago instead of delaying it to this late date. I do not want to go into the question of what happened on Saturday but I think it is a very commendable thing for the Minister of Justice that the house did not proceed on Saturday night and that he had the opportunity to make the statement he made this afternoon. Anyway, I am not fully satisfied that the institution is as it should be. I have my own criticism of the management, other than this, that it appears to me that if you put any military man in control of the disciplines in these institutions they have not always the right kind of men. Military discipline is all right during a war, but if you put certain types of officers and men to work in attendance at these institutions, with the military system operating twenty-four hours a day, to my mind it is not the right system.

I do not want to detain the committee any longer. I would recommend to the Minister of Justice and to the government, as the mover or for Saskatchewan and one or two others have said, and as I said in my Latin speech, that he take some steps to have the penitentiaries, the reformatories, the gaols commission or some sort of commission to investigate thoroughly, without bias or prejudice, so that we may be left by the evidence that does not

Mr. Sanderson:

and go to the bottom of the whole matter of the administration of our penal institutions. I think the public want it; I think they are demanding it and will not be satisfied if they do not get it. In all seriousness I would recommend to the Minister of Justice that the take that matter inst this serious consideration. We have had a lot of royal commissions; we have had them without any demand for them at all from the public, but very great numbers of men and women in Canada have a suspicion that things are not right in these institutions, and the only way to set their minds at rest is by a thorough and honest investigation through a royal commission or some kind of commission that will go to the bottom of the matter without fear or favour.

Mr. Young: The minister's explanation has been satisfactory at many points. There is however, one matter that he has not properly cleared up, and that is the shooting into the cell of Tim Buck. If Tim Buck stood in the door of his cell, as the minister said, encouraging the rioters, it might have been possible to send a rifle bullet into the open door without touching Tim Buck. But I do not think that would have been possible with a shotgun. At that distance and that angle pellets from a shotgun would scatter sufficiently to make it almost impossible for any man to stand in the open door without being hit. The fact that Tim Buck was not hit indicates to me that he was not in the dorrway. If he were in the doorway it was a very serious matter for anyone to attempt to shoot with a shotgun through that door to frighten or silence him. To my mind that is a serious matter that should be cleared up. No guard who would do that should be entrusted with firearms at all. While I am on this point may I say that in Montreal a year or two ago we had a case of a policeman shooting down a man without justification, and Saskatchewan two or three years ago we had mounted policemen shooting over the head of

and go to the bottom of the whole matter of the administration of our penal institutions. I think the public want it; I think they are demanding it and will not be satisfied if they do not get it. In all [illegible] that matter in this serious consideration. We have had a lot of royal commissions; we have had them without any demand for them at all from the public, but very great numbers of men and women in Canada have a suspicion that things are not right in these institutions, and the only way to set their minds at rest is by a thorough and honest investigation through a royal commission or some kind of commission that will go to the bottom of the matter without fear or favour.

Mr. Young: The minister's explanation has been satisfactory at many points. There is, however, one matter that he has not properly cleared up, and that is the shooting into the cell of Tim Buck. If [illegible] the rioters, it might have been possible to send a rifle volley into the open door without touching Tim Buck. But I do not think that would have been possible with a shotgun. [illegible] and that single pellets from a shotgun would scatter sufficiently to make it almost impossible for any man to stand in the open door without being hit. The fact that Tim Buck was not hit indicates to me [illegible]

Mr. Young:

rioters to frighten them and sending bullets through the wall s of houses and wounding innocent persons. It is time we were taking steps to be sure that firearms are not entrusted to those who are inclined to lose their heads.

HOUSE OF COMMONS DEBATES

January 17, 1935

VOLUME I

GOVERNOR GENERAL'S SPEECH

My government has under consideration the adoption, throughout the penitentiaries of Canada, of a system similar to that which is known in England as the "Borstal System," and is making investigations as to its operation.

HOUSE OF COMMONS DEBATES

January 25, 1935

VOL. I

DOUKHOBOR PRISONERS

MR. THOMAS REID (New Westminster): I have a question to direct to the Minister of Justice. What action is the government taking in regard to the Doukhobor prisoners being released or about to be released from Piers island who, having lost their homes and place in their own community --

Mr. McINTOSH: And votes too.

Mr. REID: --have now no place of abode?

Hon. HUGH GUTHRIE (Minister of Justice): My hon. friend gave me notice yesterday that he would ask this question and I have endeavoured to obtain the information. Originally at Piers island there were 575 Doukhobor prisoners, males 295, females 280. On the first day of January this year the present population of the island was, males 181, females 190, or a total of 371, so that 204 have already been released. I might mention that under the Penitentiary Act no prisoner can be released between the first of September and the first of April without his consent. Some of them will not give consent even when ticket of leave is offered. Married men among the prisoners object to leaving until their wives are released, and vice versa. The sentences of these prisoners will expire by service of time about the first of July next. It is hoped that by that date we shall be in a position to close the prisons on Piers island. The law provides that on the release of a prisoner he shall receive a ticket back to the point at which he was convicted, and also the sum of $10 in cash. When each prisoner is released from the penitentiary the $10 and the transportation are paid to him. After

Item 148

Bureau of Prisons Bulletin

January 28, 1948

Vol. 1

Mr. THOMAS KILG (New Westminster): I have a question to direct to the Minister of Justice, that would be the government ruling in regard to the Doukhobor prisoners being released or about to be released from Piers Island who, having lost their homes and place in their own community —

Mr. MACDONALD: And votes too.

Mr. KILG: —have now no place of abode.

Mr. [illegible]: Mr. Speaker, I gave a notice yesterday that he would ask this question and I have endeavored to obtain the information. Originally at Piers Island there were 275 Doukhobor prisoners, males 245, females 30. On the first day of January this year the present population of the island was, males 181, females 130, or a total of 311. So that 34 have already been released. I might mention that under the Penitentiary Act no prisoner can be released between the first of September and the first of April without his consent. Some of them will not give consent even when blocks of land are offered. Married men among the prisoners have to [illegible] their wives and children, but vice versa. The sentences of these prisoners will expire by service at time about [illegible] in April next. It is legal that he [illegible] or small in a penitentiary or place the prisoner on Piers Island. The Act provides that on the release of a prisoner he shall receive a ticket [illegible] to the point at which he was convicted, and also the sum of $10 in cash. When each prisoner is released from the peni-

January 25/35

VOL. I

that, there is no further responsibility upon the part of the dominion government. We do not know where these men intend to go or where they intend to settle. It is true that on one or two occasions the Attorney General of British Columbia has had conferences with members of the Department of Justice staff and various suggestions have been made in regard to the future of these people, but the attorney general has never informed us of any definite plan he has in regard to them and no agreement of any kind has been reached in respect of it. The hope is now that having served their prison terms they may not be in future guilty of the offences of which they were formerly guilty and for which they gave served their terms.

HOUSE OF COMMONS DEBATES

February 11, 1935

VOLUME I

Mr. CAMPBELL:

For a copy of all correspondence, letters, telegrams and other documents in the possession of the government, regarding the discharge of C. Stanley Van Alstyne from the penitentiary at Portsmouth, Ontario, during the years 1933 and 1934.

HOUSE OF COMMONS DEBATES

VOL. 11.

March 11,1935. MOTIONS FOR PAPERS.

Miss MacPhail: For a copy of all papers, correspondence and reports of inspections made of the Kingston penitentiary by Inspector Dawson and interviews of Inspector Dawson with inmates in the same institution between February 1 and July 1,1934.

Mr. Guthrie: Mr. Speaker, there is no objection to this motion passing, but it will be subject to all proper reservations in regard to confidential documents and information in regard to prisons.

Motion agreed to.

HOUSE OF COMMONS DEBATES, VOL. 11, 1935.

MARCH 18, 1935.

KINGSTON PENITENTIARY.

ALLEGATION CONCERNING STATEMENTS ATTRIBUTED TO INSPECTOR DAWSON.

MISS AGNES C. MACPHAIL (SOUTHEAST GREY): I should like to direct a question to the Minister of Justice (Mr. Guthrie). I asked for a return of all papers, correspondence and reports of inspections made of Kingston penitentiary by Inspector Dawson, together with interviews by Inspector Dawson, in the same institution, between February 1 and July 1, 1934. I noticed that the Minister of Justice quite properly said that in bringing down the return all proper reservations would be observed in regard to confidential documents and information in regard to prisons.

Mr. GUTHRIE: That should be "prisoners", not "prisons."

Miss MACPHAIL: It is "prisons" in Hansard. I find in reading the return that it deals only with interviews between Inspector Dawson and one convict, No. 3242. It is so exhaustive that it includes medical sheets and temperature charts. It stops abruptly on April 8, although on April 9 Inspector Dawson interviewed Convict No. 3033 in the lecture room of the administration building at Kingston penitentiary between 11.40 and 2.15 p.m., and in the interview he used abusive and profane language in regard to myself, and said that after he had finished his inspection I would not be able to lift up my head in the House of Commons again. The information was supplied to me by convict No. 3033 who has served his full time, who is now at large and who is prepared to swear to this statement in any inquiry.

There was a great deal of correspondence about this statement of Inspector Dawson between the prison officials in

(pp 1786)

Miss MACPHAIL:

Kingston and the department here. I want to ask the Minister of Justice where the correspondence is. I think one could not say it applies to prisoners. I may be under the suspicion of the Minister of Justice but I am scarcely a prisoner.

HON. HUGH GUTHRIE: I produced the file which was handed to me as a complete file, but I shall make inquiries. I have never heard of any report of an interview between inspector Dawson and prisoner No. 3033. I there is such a report I will produce it.

HOUSE OF COMMONS DEBATES

VOL. 11.

March 19,1935. KINGSTON PENITENTIARY.

DENIAL OF ALLEGATION CONCERNING STATEMENTS ATTRIBUTED TO INSPECTOR DAWSON.

On the orders of the day: Hon. Hugh Guthrie(Minister of Justice): Yesterday the hon.member for Southeast Grey (Miss Macphail) made an inquiry of me in regard to a return which I had submitted a few days ago respecting certain reports of Inspector Dawson of the penitentiary branch. The hon.member stated that while the return went up to April 8,1934, on April 9, Inspector Dawson had an interview with prisoner 3033 in the penitentiary. I have made a pretty full inquiry in regard to this matter since yesterday and I find that Inspector Dawson went to the penitentiary to make an inspection and report respecting a certain matter which had been referred to him. After he had concluded his inspection on April 8, an interview was requested by prisoner 3033 and it is during the course of that interview I think it is alleged by the hon. member for Southeast Grey that certain aspersions were made against her character as stated by her yesterday. I can assure her that there is no foundation for the report. The Inspector himself made no report on this interview. When inspectors or superintendents visit a penitentiary, they have a large number of requests for interviews but they do not make specific reports in regard to them. However Inspector Dawson has assured me most definitely that during his interview with prisoner 3033 the name of the hon. member for Southeast Grey was never mentioned by him or by the prisoner, there was no comment whatever in regard to her, and I can assure her on the word of honour of the inspector that there is no foundation for the allegation which she has made.

BOARD OF PRISON TERMS

No. 11.

April 14, 1924. STRICTLY CONFIDENTIAL.

DENIAL OF PAROLE; CONVICTION ON SECOND COMPLAINT OF

INSPECTOR DAWSON.

On the occasion of the visit Sen. Hugo Black(Subject of Parole) instructed the undersigned to inquire into Inspector Dawson's alleged duty into Superintendent's case in inquiry of me in regard to a return which I had submitted a few days ago recommending parole of Inspector Dawson of the penitentiary branch. The Superintendent stated that while the prisoner went up to April 8, 1924, on April 9, Inspector Dawson had an interview with prisoner 3023 in the penitentiary. I have made a private full inquiry in regard to this matter from yesterday and I find that Inspector Dawson went to the penitentiary to make an inspection and report respecting a certain matter which had been referred to him. After he had concluded his inspection on April 9, an interview was requested by prisoner 3023 and it is during the course of that interview I think it is alleged by the hon. member for Southeast Grey that certain aspersions were made against Inspector as stated by Mr. Jewitt. I am aware that that there is no foundation for the report. The Inspector himself made no report on this interview. Then inspectors are appointed to visit a penitentiary, they have a large number of requests for interviews but they do not make specific reports in regard to Inspector Dawson during, but stated to me that definitely that during his interview with prisoner 3023 the name of the hon. member for Southeast Grey was never mentioned in connection with the prisoner. There was no element whatever in regard to Sen. and I am sure in the mind of anyone of the Inspectors that there is foundation for the allegation which she has made.

C.1871.

BORSTAL SYSTEM.

On the orders of the day:

Mr. J.S.Woodsworth (Winnipeg North Centre): May I ask the Minister of Justice when we may expect the legislation foreshadowed in the speech from the throne in regard to the institution of the Borstal system in the penitentiaries of this country?

Hon. Hugh Guthrie (Minister of Justice): I expect the penitentiary estimates may be up some day toward the end of the week or some day next week and I shall then be prepared to make a statement regardin g the matter.

HOUSE OF COMMONS DEBATES.

VOL. 11.

March 20,1935. KINGSTON PENITENTIARY.

Allegations concerning statements attributed to Inspector Dawson.

On the orders of the day:

Miss Agnes Macphail (Southeast Grey): Before the orders of the day are called I want to refer to a statement made yesterday by the Minister of Justice (Mr. Guthrie). On March 18 I made a statement in the house which is to be found at page 1786 of Hansard to the effect that Inspector Dawson interviewed convict No.3033 in the lecture room of the administration building at Kingston penitentiary between 11.40 and 2.15 p.m., and that during the interview he used abusive and profane language in regard to myself and said that after he had finished his inspection I would not be able to lift up my head in the House of Commons again. The information was supplied to me by convict No.3033 who has served his full term and is now at large and who is prepared to swear to the statement in any inquiry.

I was not in the house when the Minister of Justice replied yesterdat, though I was in the house just a few moments later. Of course I was not in at the correct time and I am not in the least blaming the Minister of Justice for the fact that I was not here.

He said in part:

While the return went up to April 8,1934 on April 9 Inspector Dawson had an interview with prisoner 3033 in the penitentiary. I have made a pretty full inquiry in regard to this matter since yesterday and I find that Inspector Dawson went to the penitentiary to make an inspection and report respecting a certain matter which had been referred to him. After he had concluded his inspection on April 8, an interview was requested by Prisoner 3033 and it is during the course of that interview -

I want to refer particularly to the next sentence:

I think it is alleged by the hon.member for Southeast Grey that certain aspersions were made against her character as stated by her yesterday.

day are called I want to refer to a statement made yesterday by the Minister of Justice (Mr. Guthrie). On March 18 I made a statement in the house which is to be found at page 1766 of Hansard to the effect that Inspector Dawson interviewed convict No.3025 in the Joliette zone of the penitentiary relating to Hargrave particularly between 11.30 and 6.15 p.m., and that Dawson did interview Hargrave and asked that after he had finished the interview I would be able to talk to my wife in the house of detention only. Dawson informed me specially in my presence that Hargrave was not in his full face and is now in hiding and is prepared to make to the statement in any inquiry.

I was not in the house when the Minister of Justice replied yesterday, though I was in the house just a few moments later. Of course I was not in at the correct time and I am not in the least blaming the Minister of Justice for the fact that I was not there.

He said in part:

I want to refer particularly to the same witnesses:

I mean it is alleged by the two.Member for Rimouski that the talk assertions were made against her character as stated by her testimony.

I repeat what I said previously; I stated that Inspector Dawson used abusive and profane language in regard to myself. Honour lies within; my character is in my own keeping. I am not even concerned about what Inspector Dawson thinks of it, or anyone else for that matter. Then the Minister of Justice went on to say:

I can assure her that there is no foundation for the report. The inspector himself made no report on this interview.

That is interesting. I asked for three copies of the new penitentiary rules and regulations which I have not received as yet though I understand the superintendent of penitentiaries wrote a memorandum in that regard last Saturday. Here was an interview that lasted for hours but no report has been made concerning it. I quote again:

When inspectors or superintendents visit a penitentiary, they have a large number of requests for interviews, but they do not make specific reports in regard to them.
However, Inspector Dawson has assured me most definitely that during his interview with prisoner 3033 the name of the hon. member for Southeast Grey was never mentioned by him or by the prisoner, there was no comment whatever in regard to her, and I can assure her on the word of honour of the inspector that there in no foundation for the allegation which she has made.

May I say frankly that I do not accept the word of honour of Inspector Dawson, I shall tell hon. members why. For many years I have been interested in the reform of our penal institutions.

Some hon. Members: Order.

Miss Macphail: Very well, I shall make those remarks later.

Mr. Lapointe: Why not continue, it is all right. Go ahead.

Miss Macphail: - to the end that they would reform prisoners, since 73 per cent of our prison inmates return again to imprisonment. Particularly have I been interested in penal reform that the public might be protected against embittered men who have gained their release and constitute a grave menace to society. With that

I repeat that I will preliminary I stated that Inspector Dawson acted admirably and surface Inspector is reported to overall. Source lies within my character is in my own keeping. I am not even concerned about what Inspector Dawson thinks of it, or anyone else for that matter. Then the Minister of Justice would go to so

I can assure her that there is no foundation for the report. The Inspector himself made no report on this interview.

That is interesting. I asked for these copies of the new penitentiary rules and regulations which I have not received as yet

Perhaps I misunderstood the statement of penitentiaries which a correspondent in that regard last Saturday. There was an interview that started for Dawson but no report has been made about that.

I quote again:

When inspectors or superintendents visit a penitentiary, they have a large number of requests for interviews, but they do not make specific reports in regard to them.

However, Inspector Dawson has assured me most definitely that during his interview with prisoner 3022 the room at the time, another for Department Corp was never mentioned by him as to his presence, there was no second prisoner in regard to her. And I can assure her on the word of honour of the Inspector that there is no foundation for the allegation which she has made.

May I say frankly that I do not accept the word of honour of Inspector Dawson. I shall call him, another way. For many years I have been interested in the reform of our penal institutions.

Hear hear. Hansard Order.

Miss Macphail: Very well, I shall make these remarks later.

Mr. Lapointe: Not not matters, it is all right. Go ahead.

Miss Macphail - to the end that they would serve primary purpose. If you want to see a man inside prison ought to improve-ment. Particularly have I been interested in penal reform that people might be prepared against worthwhile men who have gained their release and assimilate a good member in society. With the

in mind I visited Kingston penitentiary. I had been making a speech at Queens university on Friday, February 15 and in the late forenoon of February 16, I visited Kingston penitentiary.

Mr. Speaker: I do not wish to interrupt the hon.member and particularly when she is speaking on a matter of privilege. She will of course have the very widest ruling in the matter, but after all I should like to know what the question of privilege may be; it has not yet been raised. Would the hon.member kindly come to the question of privilege.

Miss Macphail: It is difficult to state the question without showing why I do not accept the word of Inspector Dawson.

Mr Speaker: After all, if that is the point upon which the hon. member has risen I believe she should so state, and set it out without going into further detail. I am sure the hon.member in view of the wide experience she has had in parliamentary matters will realize that she is not entitled to make a speech on the matter at the present time. I am sure, moreover that she has no desire to do so. Therefore I would ask her to be good enough kindly to state the question of privilege.

Miss Macphail: I could not hear the last part of your observations Mr. Speaker.

Mr. Speaker: I said that I would ask the hon.member to be good enough to state the question of privilege. The hon.member has not the right on an occasion such as this to set forth the reasons why she does not believe so and so. If she wishes to state she does not, well and good, but she should not give any further amplification. I must ask the hon.member, kindly to state the question of privilege and to confine her remarks to that.

in what I trusted otherwise would be--Mary. I had been making a
speech of honest sincerity on Monday. Therefore I did not in the last
Parliament or Commons 36. I trusted therefore qualifications.

Mr. Speaker: I do not wish to interrupt the hon.member but particu-
larly when she is speaking on a matter of privilege. She will
of course have the very fullest rulings in the matter, and after all
I should like to know what by question of privilege may be, it is
not yet been raised. Would the hon.member kindly come to the
question of privilege.

Mrs. Macphail: It is difficult to state the question without
showing why I do not accept the word of Inspector Dawson.

Mr. Speaker: After all, if that is the point upon which the hon.
member has risen I believe she should do state, and set it out
without going into further detail. I am sure the hon.member
in view of the wide experience she has had in parliamentary matte
will realize that she is not entitled to make a speech on the
nature of the present time. I do know, however that she has
leave to do so. Therefore I would say that to be good enough
kindly to state the question of privilege.

Mrs. Macphail: I would say that the Jews part of some responsible
Mr. Dawson.

Mr. Speaker: I just say I would ask the hon.member to be good
enough to state the question of privilege. The hon.member has no
the right on an occasion such as this to set forth the reasons wh
you have that belief as she did so. If she wishes to be about the
but, well and good. The hon.member may give her complete explana-
tion. I must ask the hon.member, kindly to state the question o
privilege and to confine her remarks to that.

March 20,1935, Cont'd.

Miss Macphail: I should think that when the Minister of Justice states that no statement was made regarding me in abusive and profane language, and when I believe such a statement was made, on a matter of privilege I should be permitted to state why I hold that belief.

Some hon. Members: Order.

Miss Macphail: Then, what is a question of privilege?

Mr.Hanson (York-Sunbury) There is none so far.

Mr. Speaker: As yet I do not know what the question of privilege is. After all, a question of privilege is a matter of some concern to all hon.members. So far as my rulings are concerned may I say that they will tend to allow the very widest possible explanation from any member rising to a question of privilege. However, there must first be a question of privilege. The hon.member made certain statements in the chamber a few days ago; she must have had good reason for doing so, and I believe she placed those reasons on Hansard. If she wishes to make any correction in her previous speech or in the remarks made yesterday by the Minister of Justice but in her absence, she is privileged so to do. Otherwise I suggest she should not desl with the matter in a general way.

Miss Macphail: I do not intend to deal with it in a general way; but if a member of the civil service can go to a penal institution in this country and make statements regarding me which I am attempting to place on Hansard, and which as the minister explained yesterday, on the word of honour of Inspector Dawson were never made, then surely on a question of privilege I have a right to read into Hansard an affidavit by one who says these statements were made. Have I that right.

Mr. Lapointe: Surely.

Mr, Speaker: If that is what the hon. member is coming to, then I have no objection. I must say, however, that in her observations up to this time there was no indication of that. Further, it will be understoodthat the rule is being relaxed somewhat if we accept statements made by people outside the house in regard to a matter of this kind. With all due deference to the hon.member for Southeast Grey may I say the matter is one which might very well be discussed on the vote for penitentiaries appearing in the estimates, or on some allied item. I believe the discussion would more properly come under that heading. However that is only a suggestion, and if the hon.member thinks she is still personally involved, and that either her character, her action in the house or what she has placed on record has come into question, I think any further explanation she might desire to make would be permissable.

Miss Macphail: That is what I was attempting to do when Mr.Speaker prevented me. I do not want any special privileges in this chamber, nor do I ask any special advantage, so far as the interpretation of the rules regarding abuse are concerned. I simply want equality with other hon.members. On my visit to Kingston penitentiary on February 16,1935 I, in the presence of Warden Allen saw convict 3242 at the request of his brother, who is a high official in one of the British colonies. His name is prefaced by the appellation of "Honourable" and the initials C.B.E.- or some such initials, are affixed. At his request I asked Warden Allen to allow me to talk in the presence of Warden Allen with convict 3242 whose case was so exhaustively discussed on the floor of the house last year.

An Hon. Member: She knows all the convicts.

An Hon. Member: Name.

Miss Macphail: I will explain later. When convict 3242 was brought in by Warden Allen he asked me if I knew -

Mr. Speaker: The hon.member said she was going to read some statutory declaration. Again I respectfully submit she should not go into all these details with regard to conversations with one convict or another, or with some other party outside this chamber. If the affidavit bears upon the statement she made the other day I shall rule that it is quite in order.

Miss Macphail: Very well; I shall leave further discussion until the estimates are considered and at the present time put on Hansard the affidavit to which I have referred, which was made today. This affidavit is made by ex-convict 3033. I must say the matter is not by any means dropped and I am at a loss to understand what a question of privilege is.

Some hon. Members: Order.

Miss Macphail: This is the affidavit:

City of Ottawa,
County of Carleton,
Province of Ontario.

In the matter of a visit by Inspector J.D.Dawson to Kingston penitentiary on April 6,7,8 and 9, 1934.

I, Alfred George Hall, psychologist, of the City of Toronto, county of York, province of Ontario, make oath and say:

1. That between the 21st day of April,1933 and the 27th day of February 1935, I was convict No.3033 in Kingston penitentiary, county of Frontenac, province aforesaid.

2. That on or about the 2nd day of April, 1934, a number of convicts discussed with Chief Trade Instructor J.W.Tweddell, the serious conditions existent in the penitentiary, the said Tweddell immediately reported the discussion to Warden W.B.Mcgloughlin, M.C. who at once interviewed the said convicts in the presence of the said Tweddell and Chief Penitentiary Clerk L.H.Milard and other ranking officers and the said convicts repeated the statements previously referred to and were informed that a high official of the penitentiaries branch was about to visit the institution to investigate a complaint and that on the occasion of said visit the matter discussed by them would be laid before him.

Hon. Mr. J. G. Gardiner.

Hon. Members will see shortly.

Hon. Member: Hear.

Miss Macphail: I will explain later. When convict 5212 was brought in by Warden Allen he asked me if I knew -

Mr. Speaker: The hon.member said she was going to read some [illegible] explanation. Again I suggest [illegible] should not go into all these details with regard to conversations with or [illegible] or [illegible] If the affidavit bears upon the statement she made the other day I shall rule it it is quite in order.

Miss Macphail: Very well; I shall leave further discussion until the estimates are considered and at the moment time put on Hansard the affidavit to which I have referred, which was made today. The affidavit is made by ex-convict 5083. I must say the matter is not by any means dropped and I am at a loss to understand what a question of privilege is.

Hon. Hon. Members: Order.

Miss Macphail: This is the affidavit:

City of Ottawa,
County of Carleton,
Province of Ontario.

In the matter of a visit on January 1, [illegible] preliminary on April 6,7,8 and 9, 1934.

I, Alfred George Hall, parcel [illegible], of the City of Toronto, County of York, province of Ontario, [illegible] and say:

1. That whereas the 21st day of April,1933 and the 27th day of February 1934, I was convicted in Kingston penitentiary [illegible] of [illegible], providing [illegible].

2. That on or about the 2nd day of April, 1934, I [illegible] conversation discussed with Chief Trade Instructor [illegible] the [illegible] conditions existing in the penitentiary, the said Trade[illegible] [illegible] stated the statements in [illegible] as was interpreted the said [illegible] in the presence of the [illegible] and Chief Industrial Clerk [illegible] and upon [illegible] officers and the said [illegible] reported the statements [illegible] to and was informed that a high official of the penitentiaries branch was about to visit the institution to investigate [illegible] and that on the occasion of said visit the [illegible] discussed by them would be laid before him.

March 20,1935, Cont'd.

3. That I was by a considerable number of the convicts requested to present their complaints to the said high official.
4. That on April 7,1934, I addressed a communication to Inspector Dawson requesting said interview.
5. That at approximately 11.40 a.m. on the 9th day of April,1934 I was escorted to the lecture room of the Administration building by Guard Sands and there met Inspector J.D.Dawson, who enquired the nature of the complaint referred to in my letter of April 7th. These complaints were discussed and Inspector Dawson declared his views thereon to me. He then enquired if I knew or had had conversation with convict 3242 to which I replied that the man had introduced himself to me on the preceding day whereupon Dawson produced certain material, records and letters relating to the said convict and declared him to be the greatest criminal in Canada and the most unmitigated liar. He then proceeded to read to me parts of what purported to be a copy of the record of said convict and produced a document said to be in the handwriting of convict 3242 supposed to be a letter intercepted between the said 3242 and Miss Macphail, M.P. and in further comment said:
(a) This man is Miss Macphail's informant in penitentiary matters. He is the man who informed her about the Lloyd case at Stony Mountain.
(b) Quoting his actual words, he further said -

I hate to say this:

"Aggie made a God dammed fool of herself in the House of Commons but when we are finished with her she will never be able to lift up her head in the house again."
I immediately informed Inspector Dawson that the nature of his conversations would be reported. We then discussed the whole question of athletics in the penitentiary, convicts writing privileges, the inclusion of sport news in the prison bulletin and the teaching of trades to convicts. The interview concluded at 2.15 p.m.
6. Immediately on returning to the main prison I sought an interview with the protestant chaplain Major Kidd, M.A., M.C., and at about 3 p.m. advised him of the nature of the conversation I had just finished with the said Dawson and particularly in respect to his attacks upon Warden Meglouchlin and Miss Agnes Macphail, M.P. and I requested the said Major Kidd to immediately communicate with Warden Megloughlin therein.
7. Major Kidd and Warden Megloughlin conferred in the matter and certain actions which are a matter of departmental record were taken therein.
8. That in a letter to the Hon. the Minister of Justice dated July 26,1934, and a statement dated August 9,1934, the subject matter of the Dawson conversation was referred to.
9. That on the 2nd of June, 1934, the superintendent of penitentiaries refused to interview me and I was so informed by the aforesaid warden who at the same time informed me that he had been refused information as to what transpired in the interview between Inspector Dawson and myself on the 9th day of April, 1934 and I was then requested by the warden to prepare a minute of the interview of April 9, which minute marked "For the information of the warden. Personal. Prepared at his request" was handed to him on June 11,1934 and that the conversations of June 2,1934 and June 11,1934, between

3. That I was by a considerable number of the convicts requested to present their complaints to the said high official.

4. That on April 7,1984, I addressed a communication to Inspector Dawson relating said interview.

5. That at approximately 11.40 a.m. on the 9th day of April,1984 I was escorted to the lecture room of the Administration building by Sergeant Sparks and Inspector J.D.Dawson, who acquired the nature of the complaints referred to in my letter of April 7th. These complaints were discussed and Inspector Dawson declared his views thereon to me. He then enquired if I knew or had had conversation with convict 3842 to which I replied that the man had introduced himself to me on the preceding day whereupon Dawson produced written statements, affidavits and letters relating to the said Sparks and confronted the latter with the prisoner referred in Canada and the most unmitigated liar. He then proceeded to read to me parts of what purported to be a copy of the record of said convict and produced a document said to be in the handwriting of convict 3842 supposed to be a letter intercepted between the said 3842 and Miss Moqbrail, M.P. and in further comment said:

(a) This man is Miss Mcqbrail's informant in penitentiary matters. He is the man who informed her about the Lloyd case at Kingsville.

(b) Quoting his actual words, he further said -

I have to say this:

"Agnes made a God damned fool of herself in the House of Commons but when we are finished with her she will never be able to lift up her head in the house again."

I immediately informed Inspector Dawson that the nature of his conversations would be reported. He then discussed the whole question of affidavits in the penitentiary, counsels willing witnesses, the employment of expert men in the prison hospital and the teaching of trades to convicts. The interview concluded at 3.10 p.m.

6. Immediately on returning to the main prison I sought an interview with the prosecutant chaplain Major Kidd, M.A., M.C., and at about 3 p.m. obtained his of the nature of the conversation I had just finished with the said Dawson and particularly in respect to his attitude upon Warden Meglowbith and Miss Agnes Mcqbrail, M.P. and I requested the said Major Kidd to immediately communicate with Warden Meglowbith thereof.

7. Major Kidd and Warden Meglowbith conferred in the matter and certain actions with as a matter of departmental record were taken thereon.

8. This is a letter to Mr. Mn, the Minister of Justice dated July 10,1984, and a statement dated August 9,1984, the subject matter of the Dawson conversation was referred to.

9. That on the 14th of June, 1984, the superintendent of penitentiaries refused to interview me and I was so informed by the chief warden acting at the same time informed me that he had been refused information as to what transpired in the interview between Inspector Dawson and myself on the 9th day of April, 1984 and I was then requested by the warden to produce a copy of the interview of April 9, which which request, for the information of the warden refused. Treated as this request was treated by him on June 11, and that the conversation of June 9,1984 and June 11,1984, taken

the aforesaid warden and myself took place within the hearing of and in the presence of other ranking officers of the penitentiary.

Alfred G.Hall.

Sworn before me a commissioner etc. at the city of Ottawa, county of Carleton, province of Ontario, this 20th day of March,1935.

A.G.Troop.
Commissioner and Notary Public.
Ottawa.

That is Mr. Troop of the law branch.

That evidence you may say is the evidence of an ex-convict. That is true. But he has made an affidavit. He is to-day a free man, and if the statements made in that affidavit are not true he can be prosecuted and it is the business of the government to prosecute him.

Secondly, as I said before, I am not interested in the fact that it refers to me. It reflects equally on the honour of every member of this house. It just happened to be me. Surely it is a serious thing that conditions were as they were in Kingston. It was just approximately one month before the fire that an interview two and a half hours long took place between the inspector and one man representing the convicts or a number of the convicts. That interview was not reported and there is no record of it. Last night at twelve o'clock I sent the following wire to Major Kidd M.A. chaplain of Kingston penitentiary.

Mr. Speaker: I must call the hon. member to order.

Miss Macphail: There is only one way in which all these things can be settled and that is by a wide-open investigation conducted, not by the people accused, but by people who are impartial, and I ask for that.

That is Mr. Tropp of the law firm.

That evidence you may say is the evidence of an ex-convict. That is true. But he has made an affidavit. He is to-day a free man, and if the statements made in that affidavit are not true he can be prosecuted and it is the business of the government to prosecute him.

Secondly, as I said before, I am not interested in the fact that it refers to me. It reflects equally on the honour of every member of this house. It just happened to be me. Surely it is a serious thing that conditions were as they were in Kingston. It was just appropriately the month before the time that an Alderman was had a 3:00 hour long test plug between the Kingston and one was responsible the arrests or a number of the convicts. That incident was not reported and there is no record of it. Last night at two o'clock I sent the following wire to Major Kind M.A. chairman of Commons committee.

Mr. Speaker: I must call the hon. member to order.

Mr. Burgess: There is only one way to obtain all these things to be written and that is by a sub-rosa investigation behind-the-scenes, not by the people concerned, but by people who are important, and I ask that.

HOUSE OF COMMONS DEBATES.

VOL. 11.

March 21,1935. KINGSTON PENITENTIARY.

Mr. J.P.Howden (St.Boniface): I would like to ask the government a question in regard to a rather important matter. Have they any information regarding a rumoured revolt and fire at Kingston penitentiary?

Right Hon. Sir Geo. Perley (Acting Prime Minister): Revolt and what?

Mr. Howden: There is a reported rebellion and fire at the Kingston penitentiary, I understand.

Sir Geo.Perley, I have heard nothing about it and the Minister of Justice is not here to-night. He will take note of the question.

At eleven o'clock the house adjourned without question put, pursuant to standing order.

p.1966.

KINGSTON PENITENTIARY.

STATEMENT BY MINISTER OF JUSTICE AS TO DISTURBANCE CREATED BY PRISONERS.

HON. HUGH GUTHRIE (MINISTER OF JUSTICE): Mr. Speaker, last night before adjournment a question was akked in the house during my absence with regard to a disturbance that occurred yesterday among some prisoners at Kingston penitentiary. I regret to inform the house that there was a disturbance yesterday afternoon in Kingston penitentiary and from the reports that have so far come to hand I may tell the house that it occurred just at the time of the closing of the shops in the institution, a minute or two before five o'clock. In the west shop block eighty-three prisoners were employed. At closing time these men are marched back to the main prison. Twenty-five of the wighty-three had been marched back when a halt was made with the remainder, and they immediately seized the tree guards in charge of the men, searched their pockets, took from them matches, lighters and keys, immediately closed the main door and proceeded to barricade it with material that was at hand or taken from other rooms.

The west shop block contains the tailor shops and on the ground floor; the shoemaking shop on the second floor; and part of the second floor which is called the north end is to be used as a new shoemaking shop in the future but it is not yet equipped.

When the guards were seized they were taken to the basement of the block and held there for a time, and their arms and legs were tied. They were susequently removed to the second floor, to the unoccupied room which I have described as the new shue factory. Fourteen prisoners went down into the basement and barricaded the door there, and the remaining forty-four went upstairs to this vacant shop block.

A good deal of machiner in the tailor shops was destroyed; the damage to the machinery is estimated to be $2,000.

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MOM. HON. GEORGE (MINISTER OF LABOUR): Mr. Speaker, last night before adjournment a question was asked in the house during my absence with regard to a disturbance that occurred yesterday among some prisoners at Kingston penitentiary. I regret to inform the house that there was a disturbance yesterday afternoon in Kingston penitentiary and from the reports that have so far come to hand I may tell the house that it occurred just at the time of the closing of the shops in the institution, a minute or two before five o'clock. In the west shop eighty-three prisoners were employed. At closing time these men are marched back to the main prison. Twenty-five of the eighty-three had been marched back when a fight was made with the remainder, and they immediately seized the tree guards in charge of the men, searched their pockets, took from them matches, lighters and keys, immediately closed the main door and proceeded to barricade it with material that was at hand or taken from other rooms.

The west shop look comprises the timber shops and on the ground floor; the shoemaking shop on the second floor; and part of the second floor which is called the north end is to be used as a new shoemaking shop in the future but it is not yet equipped.

When the guards were seized they were taken to the basement of the block and held there for a time, and their arms and legs were tied. They were subsequently removed to the second floor, to the hospital. Fourteen prisoners went down into the basement and barricaded the door, and the shoemaking department was in this state.

A good deal of machinery in the timber shop was destroyed; the damage to the machinery is estimated to be $2,000.

(pp 19

HON. HUGH GUTHRIE:

More damage was done in the shoe shop on the second floor. There a fire was started, and there is damage by fire and smoke and by water and also from broken machinery, which cannot yet be estimated.

The barricade of the doors kept up until the doors were forced open from the outside. I believe they are metal doors and had to be cut. When the outside guards arrived they went down into the basement, found the fourteen prisoners who had gone into the second floor room, and found the forty-four prisoners and the three guards. The disturbance seems to have quited down very quickly after that. By six-thirty the prisoners were all back in the main prison and in their cells, but the fire had gained considerable headway, and lest it should spread it was thought better to call on the Kingston fire brigade, which immediately sent a detachment to the scene and extinguished the fire. The fire was all out I believe at about eight p.m.

Three prisoners were slightly injured. One had his lip cut, necessitating two stitches from the surgeon, one had an eye injured, which had to be dressed, the injury being very slight, and one had his fingers cut. From the report of the surgeon I gather that all these injuries were inflicted by prisoners upon prisoners. It is estimated, so far as one can at the moment, that probably thirty to thirty-five prisoners were engaged in this disturbance. The rest were there and they seemed reluctant.

No cause can yet be assigned for the trouble. The warden happened to be at penitentiary headquarters yesterday, but as soon as he learned by telephone of the outbreak he immediately returned to the penitentiary. He reported between eight and nine o'clock that all was quiet, that a count had been taken, that allthe men were

damage was done in the area shop on the second floor. There a [illegible] was started, and there is damage by fire and smoke and by water and also from broken machinery, which cannot yet be estimated.

The barricade of the doors held up until the doors were forced open from the outside. I believe they are metal doors and had to be cut. When the outside guards arrived they went down into the basement, found the fourteen prisoners who had gone into the second floor room, and found the forty-four prisoners and the [illegible]. The disturbance seems to have quieted down very quickly after [illegible] prison and in their cells, but the fire had raised considerable [illegible], and so it should spread it was thought better to call on the Kingston fire brigade, which immediately sent a detachment to the scene and extinguished the fire. The fire was all out I believe at about eight p.m.

Three prisoners were slightly injured. One had his [illegible] cut, necessitating two stitches from the surgeon, one had an eye injured, [illegible] and one had his finger [illegible], and was [illegible] with his finger sub. [illegible] These injuries were inflicted by prisoners upon prisoners. It is [illegible], as far as one can at the moment, that probably thirty to thirty-five prisoners were engaged in this disturbance. The rest were [illegible] and they seemed reluctant.

No cause can yet be assigned for the trouble. The [illegible] [illegible] penitentiary. We reported between eight and nine o'clock that all was quiet, that a count had been taken, that fifteen men were

Hon. Hugh Guthrie:

in their cells and the fire was out. To-day he is holding an investigation. The shops were not open this morning but I expect they are this afternoon. It is possible that during the course of the day I shall receive a further report.

Penitentiaries. --Amount required for cost of administration, construction, purchase of land, supplies and equipment, maintenance and discharge of inmates at Kingston, St.Vincent de Paul, Dorchester, Manitoba, British Columbia, Piers Island, Saskatchewan and Collins Bay penitentiaries, $2,830,947.75.

Miss MACPHAIL: I should like to ask the Minister of Justice if he cares to make a statement with regard to the recent fire in Kingston.

Mr. GUTHRIE: I have a more detailed report than the one I gave the house recently. It does not very very much from my original statement, and it is pretty lengthy. However, if I may be permitted to summarize it I would say in the first place that the loss in damage is not as great as was originally expected. The loss in the shoe shop including material and machinery is estimated at $3,484.33. The structural damage to the building by fire is comparatively slight, chiefly from smoke and water and broken glass, and will amount to $400. The damage to machinery in the tailor shop is estimated at $1.443 so that the total damage caused by the destruction will be in the neighbourhood of $5,000.

The occurrence arose almost as I described on a former occasion. Since my former statement information has come to hand through the evidence of prisoners. The only complaint or excuse which has so far been made by any prisoner is that the prisoners are not allowed to play baseball. There is a period of exercise allowed in the penitentiary, various specific exercises being provided. It may be remembered that last spring without lawful authority and contrary to the rules and regulations baseball was permitted by the warden for a limited period, until

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[illegible] industries. --Government spending for aids of manufacturers, [illegible] investment, purchase of land, supplies and equipment, relief [illegible] and allowance of income at [illegible], [illegible] Department of Trade, [illegible] Estimates, British Columbia, Plain Island, [illegible] and billed by penitentiaries, $2,000,047.75.

Mr. MACDONALD: I should like to ask the Minister of Justice if [illegible] be said a statement also relative to the prison farm in Kingston.

Mr. GARDINER: I have a more detailed report than the one I gave [illegible] yesterday. It does not vary very much from my original statement, and it is pretty lengthy. However, if I may be permitted to summarize it I shall say to the House that the loss in money is not [illegible] as the unfortunate mishap. The loss to the prison farm includes material and machinery is estimated at $1,000.00. The structural damage to the building by fire is comparatively slight, chiefly from smoke and water and broken glass, and will amount to $200. The damage [illegible] in the milk-shed is estimated at $1,000 or less; the total damage caused by the destruction will be in the neighbourhood of $2,200.

The occurrence arose almost as I described on a former occasion. [illegible] to form, analysed information was sent by some [illegible] [illegible] of prisoners. The only complaint or excuse which has so far been made by any prisoner is that the prisoners are not allowed to play [illegible] ball. There is a period of exercise allowed in the yard twice a [illegible] [illegible] political [illegible]. It may be remembered that [illegible] strike without legal authority and contrary to the rules and regulations [illegible] was granted by the warden for a limited period, until

he was instructed to stop it. After it was stopped there was another outbreak.

Mr. JACOBS: Why not allow them to play golf?

Mr. GUTHRIE: Now the demand is again for baseball, and that is the only complaint which so far has been made by any prisoner. However, I am satisfied from information which has come to me that the matter has been under consideration for some time by a certain element in the penitentiary which had definitely resolved, for some purposes of their own, to stage a revolt. One of the documents circulated among the prisoners in the penitentiary and handed by one of the prisoners to the warden is a document of a little more than a page in length prepared in block letter printing and received by the warden on March 21. For the information of hon. members I shall read parts of the document to the house, omitting the names of prisoners.

> The movement that is now on foot is similar to the one that was talked of a few weeks ago. It is to take place in the Protestant chapel, if they cannot get out into the dome. They will endaavour to hold the chapel and cause militia to be brought here. The view in doing this is to get publicity and cause trouble before the elections. There is only to be one or two men in each shop that are to be acquainted with all the details, and they are to talk it up and ascertain how many could be counted on, but not to tell when or where it is going to happen. The plans are that it is to take place this Sunday or the following Sunday at the latest. The feeling among the men is against it, but the agitators insist on a "blow-off" before the elections.

Then follows a list of names of prisoners to be depended upon to assist in the outbreak.

Mr. LAPOINTE: Who has written this?

Mr. GUTHRIE: It is assumed it is written by a prisoner and was passed around among the prisoners prior to March 21st.

Mr. WOODSWORTH: Was there any investigation made regarding this document?

by was instrumental in bring it. After it was stopped there was another mistrial.

Mr. LATHAM: Why was Allen down to Ruby Gulf?

Mr. GUTHRIE: Now the demand is again for Essential, and that is the only complaint which we feel has been made by any witness. However, I am satisfied from information which has come to me that the matter has been fully investigated for some time by a certain element in the penitentiary which has definitely resolved, for some purposes of their own, to stage a revolt. One of the Commands mentioned among the ringleaders in the proceedings and headed by one of the prisoners in the workers in a department of a little more than a year is largely responsible in some instances with threatens by the people in Ruby Gulf. Was the information of him, concerns I would read parts of the document in my hands, omitting the names of witnesses.

The document that is now on file is to similar to the one that was taken of a few weeks ago. It is in the place in the Australian manner, if they cannot get out of the jail. They will endeavour to make the guard and share authority in be brought here. The view in Ruby Gulf is of the politicians and cause trouble before the elections. There is only to be one or two men in each cell. Gulf Aim to be associated with all the details, and they are in fact it up and countrain the only Ruby is stopped up, but not in jail also of where it is going to happen. The plans are that is to take place this Sunday or the following Sunday at the latest. The leading among the men is Ewalt, but the authority lies in a "Blue-eyed" Indian in Gulf.

The following a list of names of prisoners to be discussed upon if asked in the witness.

Mr. LATHAM: Who has met them this?

Mr. GUTHRIE: It is assumed it is written by a prisoner and has passed around among the prisoners prior to Sunday.

Mr. MOTHERWELL: Can there be an investigation made regarding this document?

Mr. GUTHRIE: I think the actual revolt occurred on March 21st, did it not?

Mr. WOODSWORTH: But I am speaking with regard to this particular document.

M r. GUTHRIE: There was an investigation, as soon as the document was received. Do not interrupt me; let me finish and then ask the questions. As soon as the document was received an investigation was immediately started in order that the necessary --

Mr. WOODWWORTH: Mr. Chairman, I hope the minister will not accuse me of interrupting, but I must point out he is reading a document, and I should like to know how that document is authenticated.

Mr. GUTHRIE: It is authenticated by a prisoner who handed it to the warden, and I have a number of --

Mr. GARLAND: (Bow River); On a point of order I submit there is grave doubt as to whether or not the minister is privileged to read to the house any letter unless he gives the signature to the letter, or accepts personal responsibility for it. I can recall many occasions when that point has been raised by hon. members on the government side of the house. It has been a form of coercion exercised by the government against other people, compelling them under the rules to give signatures. In this instance the signature either should be given, the letter tabled or in some other way the document should be authenticated.

MR. GUTHRIE: The letter is not addressed to anybody and is not signed by anybody. It is a part of the evidence --

Mr. GARLAND (Bow River): What standing has it?

Mr. GUTHRIE: It is part of the evidence which developed at the investigation which was held. I was asked for a report on the investigation.

Mr. SPEAKER: I think the actual crystal measures on Seven Mile, did it not?

Mr. MOUSSEAUMIN: But I am speaking with regard to this particular document.

M r. GUTHRIE: There was no investigation, or even by the document was received. Do not interrupt me; let me finish and then ask questions. In spite of the document was received a investigation was immediately started in order that the necessary --

Mr. MOUSSEAUMIN: Mr. Speaker, I hope the minister will not accuse me of interruption, but I must point out he is reading a document, and I should like to know was that document in existence.

Mr. GUTHRIE: It is authenticated by a signature and dated it by the warden, and I have a number of --

Mr. [illegible]: On a point of order I simply have in mind that in order to get the minister to stick to facts and not be sidetracked by the fine points of the issue, he should be allowed to read the document in question.

Mr. GUTHRIE: The letter is not addressed to anybody and is not signed by anyone. It is a part of the evidence --

Mr. GARLAND (New River): What standing has it?

Mr. GUTHRIE: It is part of the evidence which developed at the investigation which was held. I was asked for a report on the investigation.

Mr. GARLAND (Bow River): But that is not evidence.

Mr. GUTHRIE: I am not submitting it as evidence. I am submitting it as a document which warned officials that something was under way.

Mr. LAPOINTE: It is a paper.

Mr. GUTHRIE: I shall not read the part which gives the names. The document continues:

> In giving names I have not spared or protected anyone. This is a despicable thing for me to do, but the consequences are too grave for me to stand by. There is talk of trouble of some kind to happen on Friday. Of this I have heard very little.

I read this only to show that evidently there had been some preparation for the outbreak, and that the matter did reach the knowledge of prison officials on March 21. No definite conclusion has yet been arrived at by the warden, who is conducting the investigation, as to the names of the prisoners who were the ringleaders in the outbreak. Certainly it is true that a large number of the prisoners in that particular shop were not implicated, but rather through fear joined in, whatever took place in those shops. As I have said the fire was not of a very serious nature, although when the men were barricaded in the building - they had barricaded it themselves - and the smoke was pouring out, the officers in charge did not know how far the fire might go, and for that reason asked assistance of a detachment of the city fire brigade, which assistance was given. The fire was under control about 6.30 at night.

Miss MACPHAIL: I think a fire which caused $5,000 damage is after all not a slight affair.

Mr. GUTHRIE: The fire did not cause that; the prisoners broke machinery to the extent of $4,000 or $4,500.

Mr. GARLAND (Bow River): But this is not evidence.

Mr. GUTHRIE: I am not submitting it as evidence. I am submitting it as a document which warned officials that something was under way.

Mr. LAPOINTE: It is a report.

Mr. GUTHRIE: I shall not read the part which gives the names.

(Document continued)

In dealing cases I have not planned or proceeded against. This is a complicated thing for me to do. But the consequences are too grave for me to stand by. Hardly is anything so terrible as this to happen on Friday. Of this I have heard very little.

I could this only at some great sacrifice. Such has been preparation for the outbreak, and that the matter did reach the knowledge of prison officials is proof of. As soon as I heard of the matter arrived at by the warden, who is conducting the investigation, as to the names of the prisoners who were the ringleaders in the outbreak. Generally it is true that a large number of the prisoners in that particular shop were not implicated, but rather through fear joined in, whatever took place in those shops. As I have said the fire was not of a very serious character, although when the men were returned in the building - they had barricaded it themselves - and the smoke was pouring out, the officers in charge did not know when the fire might go, and for that reason assistance of a department of the city fire brigade, which assistance was given. The fire was under control about 6.30 at night.

Mr. GUTHRIE: I think a fire was an amount $8,000 damage is after all not very slight effect.

Mr. LAPOINTE: The fire did not cause that; the prisoners broke machinery to the extent of $1,000 or $2,000.

Miss MACPHAIL: According to the minister's figures the whole cost ran about $5,000. On the night of the fire I recall that the local newspapers carried a heading stating that 50 men had barricaded themselves in the burning building; is that correct?

Mr. GUTHRIE: I cannot give the exact number. I believe 71 men were in the building. They had barricaded the doors - closed them and locked them from the inside. The doors had to be opened by means of an acetylene torch, and I suppose the hinges were melted off so as to gain access to the inside.

Miss MACPHAIL: Was there any guard in the burning building with the prisoners?

Mr. GUTHRIE: Three guards were overpowered and tied; I think their hands and feet were tied, although I am not certain on that point. Originally they were taken down to the basement but subsequently were marched up into one of the tailor or shoe shops above, where the men were gathered. As soon as the outside guards forced their way in they were all taken out of the building.

Miss MACPHAIL: Does the minister contemplate having a thorough investigation made into the penitentiaries, gaols and reformatories of Canada; an investigation into crime and its punishment?

Mr. GUTHRIE: Before answering that question perhaps I might deal with another matter. There is another investigation under contemplation at the present time. On March 19 a charge was made in this house that one of the inspectors of the penitentiary had made some very derogatory statements about a prisoner by the name of Hall, since liberated. I made a pretty full inquiry in connection with that charge and upon being given the word of honour by Inspector Dawson, I informed the house that there was no foundation

Miss MACDONALD: According to the minister's figures the whole case was saved by...? In the August of the first I recall that the local newspapers carried a heading stating that 50 men had barricaded themselves in the burning building; is that correct?

Mr. GUTWEIN: I cannot give the exact number. I believe 71 men were in the building. They had barricaded the door - which I had looked them from the inside. The doors had to be opened by means of an acetylene torch, and I suppose the hinges were melted off as the flames - the inside.

Miss MACDONALD: Are there any guards in the barracks existing at the present?

Mr. GUTWEIN: There guards were overpowered and tied; I think their hands and feet were tied, although I am not certain on that point. Originally they were taken down to the basement but apparently were removed to the rear of the barrack by some means, where the men were gathered. As soon as the outside guards forced their way in they were all taken out of the building.

Miss MACDONALD: Does the minister contemplate having a thorough investigation into the occurrences, which was practically of Dawson; an investigation into cause and the punishment?

Mr. GUTWEIN: Before answering that question perhaps I might deal with another matter. There is another investigation going on at this present time. On March 19 a charge was made in this house that one of the inspectors of the penitentiary had made some very derogatory statements about a prisoner by the name of Del, alias Tibbetts. I made a verbal full inquiry in connection with that charge and upon being given the date of January 19 last year, I learned the house that there was no foundation

for the charge, that the statements had never been made. The next day the hon. member for Southeast Grey (Miss Macphail) produced a document in the house which was purported to be an affidavit.

Miss MACPHAIL: Which was an affidavit.

Mr. GUTHRIE: That is my hon. friend's view.

Mr. JACOBS: When is an affidavit not an affidavit?

Miss MACPHAIL: What is an affidavit? Perhaps we had better have a definition.

Mr. GUTHRIE: An affidavit is a document used in a judicial proceeding or of a form prescribed by some statute which authorizes it. A statutory declaration can be taken under the provisions of the Canada Evidence Act.

Miss MACPHAIL: If a document is signed before one of the law officers of the crown and sworn to, is that not an affidavit?

Mr. GUTHRIE: No, it is not an affidavit. An affidavit must be made in a judicial proceeding or in compliance with the requirements of some statute.

Mr. GARDINER: WhAT IS IT Then?

Mr. GUTHRIE: A nullity; it has no effect any more than any signed statement.

I should like to refer to the affidavit which was read here. I am aware the hon. member for Southeast Grey perhaps is actuated by some animosity against me. I hope she is not as I feel none against her.

Miss MACPHAIL: I would not trouble myself to feel any animosity. When I came into the house last year about as well as the hon. member for Muskoka-Ontario (Me. McGibbon) --

Some hon. MEMBERS: Take it back.

Miss MACPHAIL: No, I will not take it back. When I came into

the house last year about as well as the hon. member for Muskoka-Ontario was yesterday, the Minister of Justice came over to my desk and shook hands with me in the guise of friendship. I assumed that his feelings were genuine. He suggested that holding over of a resolution which I had been discussing through a special arrangement. I told him that I was not used to asking for special privileges in the house but I assumed that his offer was made in all kindness. The matter was held over and because of that I did something which afterwards turned out to be indefensible. The Minister of Justice deliberately made it possible for me to do this. This was a very miserable case, in fact so miserable that only one newspaper reported it. The minister thought he was doing something which would injure me, and this matter was spread on Hansard in the greatest detail. I do not know whether the minister realizes what he did last year. I had just recovered from one shock of two months previously and it took me weeks and months to recover from the other shock. People told me that this would not affect me in my constituency but I replied that oddly enough I had not thought of that. That was not what concerned me, it was the fact that a minister in the guise of apparent friendship led me on to making a statement which he knew I would not have made had I known the facts. I followed up this matter and found that all the files in connection therewith had been in the possession of the minister from January 25. I did not arrive in the house until about February 18 or 19. I feel no animosity to the Minister of Justice but he is the only person in public life in Canada for whom I have not the respect I I would like to have.

Mr. GUTHRIE: Apparently I was not very far wrong in my original statement. I am afraid the hon. member for Southeast Grey has not a very warm and friendly feeling toward me.

the house last year about 50 miles as the bird flies. Another one [illegible] [illegible] yesterday. The Minister of Justice came here to see her and made quite a favorable impression. I [illegible] his feelings were genuine. He suggested that taking over of a resolution which I had been discussing through a special arrangement. I took him that I was not in a mood to [illegible] [illegible] in the house but I assumed that his offer was made in all kindness. The matter was held over and because of that I did something which afterwards turned out to be irreversible. The Minister of Justice deliberately made it possible for me to do this. This was a very regrettable case. In fact so regrettable that only one newspaper [illegible]. The Minister himself is [illegible] [illegible] he did last year. I had just recovered from one attack of the mumps previously and it took me weeks and months to recover from the other attack. People told me that this would not affect me in my constituency but I replied that oddly enough I had not thought of that. [illegible] he knew I would not have made had i known the facts. I followed up this matter and found that all the files in connection therewith had been in the possession of the Minister from January 15. I did not arrive in the house until about February 18 or 19. [illegible] in public life in Canada for which i have not the temper I would like to have.

Mr. [illegible]: Perhaps I was not very [illegible] in my original statement. I am afraid the hon. member for Cartwright Grey has not been very kind [illegible] [illegible] [illegible].

Miss MACPHAIL: That is true, I admit that.

Mr. GUTHRIE: When I referred to this matter she replied that this prisoner had had a good social outlook, I think they were the words used. It is true that I had the record of this man before me, as I have the records of all prisoners. In a very polite and inoffensive way I gave my hon. friend the information. I believe she has been misled by certain people who have been furnishing her with information. I said that in connection with the case last year and I am sorry to have to say it again in connection with the case she brought up this year. My hon. friend is of a very sympathetic disposition and I fear that she has been imposed upon. We are all liable to imposition from time to time, and I believe that is what has happened in connection with the charges she makes against Inspector Dawson. Her informant was a prisoner until some time in February when he was released. She based a rather serious charge against a high officer of the penitentiaries' staff on information supplied by this man Hall.

Miss MACPHAIL: I am very sorry to interrupt but I think we should have this thing straight as we go along. I visited the penitentiary on February 16, at which time I knew nothing whatever of this case. I was being shown around by Warden Allan. I asked to see in his presence the convict who had caused me so much suffering last year. I believe his number was 3242. In the presence of the warden this convict asked me if I knew that Inspector Dawson had attempted to induce him, first by cajolery and then by threats, to sign a certain statement. This statement was to the effect that he had given me information in connection with the Lloyd case at Stony Mountain penitentiary, away back in 1927 or 1928. This

Miss MACDONALD: That is true, I admit that.

Mr. GRAHAM: When I referred to this matter she replied that this prisoner had had a great mental anguish. I think that she had been made. It is true that I had the record of this man before me, as I have the records of all prisoners. In a very polite and inoffensive way I gave my mind, fetched the information. I believe she has been misled by certain people who have been familiarizing her with information. I said that in connection with the same last year and I am sorry to have to say it again in connection with the same man. Example to this jury. My God, fellows, it is of a very [illegible] position and I fear that she has been imposed upon. We are all liable to imposition from time to time, and I believe that is what has happened in connection with the charges she makes against Inspector Benson. Her informant was a prisoner until some time in February when he was released. He based a [illegible] against a high officer of the metropolitan police and I am supplied by this man Hall.

Miss MACDONALD: I am very sorry to interrupt but I think we should have this thing straight as we go along. I visited the penitentiary on February 19, at which time I had complete conversation with Hall. I was being shown around by Warden Allen. I asked to see the prisoner the convict who had caused me so much anxiety last year. I believe his number was 3848. In the presence of the warden this prisoner stated to me that I have been misled in laying this charge against Inspector Benson. He stated to the effect that he had given an interview in association with the Lloyd case at Grey Mountain penitentiary, away back in 1908 or 1909. This

convict stated that he did not sign this statement because he had not given me any information in connection with the Lloyd case. The fact is that that information was given to me by Mrs. Lloyd, the widow or the mother of the man who didd because of defective scaffolding used in the penitentiary. I could not believe that an inspector of the penitentiaries in Ottawa would go to Kingston and attempt, first by cajolery and then by threats, to have a prisoner make a statement saying that he had supplied me with information in connection with any case, I had brought up. I said to him that it surely could not be true and he said he would give me the name of the guard, who was there at the time. That guard has since then been promoted. At the time this man said to me, "If I live to come out of the penitentiary I want to do what I can to stop a practice that should not be carried on." I was as astonished at the statement as any member of this house would have been. The man was obviously not only worried but almost obsessed and I said, "Forget it. You are in here now and there is nothing you can do about it; if there is anything to be done it must be done from outside." And as Warden Allan and I walked up to the administration building I remarked to him, "I cannot think that even a penitentiary branch would do a thing of that sort." I said what I felt at the time; I said they had their nerve. I have forgotten the details of the conversation because, not being in the position of the penitentiary branch, I did not have a stenographer to take it all down in detail, but Inspector Dawson was able to tell convict 3242 how many times he had called at my office in the House of Commons and on what dates. Well, I can save the department all that trouble, because I should be glad to give them a detailed account of where I

convict stated that he did not sign this statement because he had not given me any information in connection with the Lloyd case. The fact is that that information was given to me by Mrs. Lloyd, who plead by the mother of the one-time Lord Mayor of Adelaide, scaffolding used in the penitentiary. I could not believe that an inspector of the penitentiaries in Ottawa would go to Kingston and attempt, first by coercion and then by threats, to have a prisoner make a statement saying that he had supplied me with information in connection with my case. I had brought up. I said to him that it really should be the Ontario Parole Board, or the Parole Board of the Board, who was there at the time. That Board has since been proscribed. At the time this was said to me, "If I live to come out of this penitentiary I have to tell that I had to stand a scandal that should not be carried on." I was so astonished at the receiving as any member of this house would have been. The man was obviously not only worried but almost distressed and I said, "Forget it. You are in hope and there is nothing you can do about it. If there is anything to be done I will do it for you."

And so Warden Allan and I walked up to the administration building I remarked to him, "I cannot think that even a penitentiary branch would do a thing of that sort." I said when I left at the time; I said they had their nerve. I have forgotten the details of the statement, but while in the penitentiary I did not have a [illegible] in that it did come in [illegible]. But Inspector Bewson was also to tell convict Ellis how many times he had called at my office in the House of Commons and on Bank Street. Well, I can move the department all that trouble. Finally I finally in jail to give them a [illegible] statement of which I

go and who calls at my office. I ask the men at the main door to keep as many people as possible from coming to my office, but we can get all the details without putting Inspector Dawson to so much trouble. In that conversation convict 3242 said that Hall would be out in a day or two and would see me in regard to the matter. I asked who Hall was and he told me that he was a man in the penitentiary, and he too was interviewed by Inspector Dawson regarding this matter. If so, I said, I should be glad to see him. The day I addressed the Canadian Club in Toronto, a guest - I did not know him - handed me a letter. When I opened the letter I saw it was from Hall and he said he would call at my office in the afternoon. I told the man at the desk - I was going to have my dinner - that a man named Hall would call to see me and that I was going to be in the dining room, and I asked that he be sent down. When he came down I asked him whether it was true that Inspector Dawson had interviewed him in regard to the matter and he said that he was willing to make an affidavit to the effect that Inspector Dawson had questioned him, not exactly in the same way but in a manner similar to his questioning of the other convict No.3242, except that Inspector Dawson did not ask him whether he had furnished me with information but, instead, expressed to him his opinion of me and of the information which he had received. He may believe it for all I know, but it is not true.

Do hon. members wonder that in those circumstances I did want to know whether or not Inspector Dawson had gone to Kingston penitentiary and talked with a convict there - and a convict with such a record - and had tried to get him to sign a statement indicating that he had furnished me with information regarding the Lloyd case, which had occurred when the hon. member for Quebec East (Mr.Lapointe)

was Minister of Justice. That case had to do with a man who was killed on some defective scaffolding in Stony Mountain penitentiary. I had a good many letters from the Lloyd connection with regard to that case, and I never heard from anyone but the Lloyds so far as that matter was concerned. I do not want the Minister of Justice to tie me up a second time with somebody with a long record - I do not know whether Hall was in gaol ten times or sixteen times; I do not know whether it is a case of sex perversion or embezzlement or both. I simply know that a man - a human being at any rate - came and offered to take an affidavit as to the truth of the statement he had made. So that you have two convicts and a guard whose name I have, and who has since that time been promoted, who all seem to know of these circumstances.

It does not matter that the incident reflected on me but it does matter whether any member of this house can be put in the position in which I was placed by this sort of thing.

Mr. GUTHRIE: I heartily agree with the last statement of my hon. friend and, as I intimated at the beginning, if any member of the penitentiary staff or of any other staff under my control is guilty of making derogatory remarks against members of this house, that person is taking his position in his own hands and will not be continued in theservice. I am satisfied that my hon. friend from Southeast Grey has been imposed upon. I am not going to discuss the other convict at all - convict 3242. I am leaving him out of it. I am discussing the man who made the affidavit and the charge submitted by my hon. friend. That is one which I will see is cleared up. My hon. friend would not accept my statement when I made it that the inspector, on his word of honour, had denied the charge, but on the following day she brought in the affidavit. I propose to let the house, and particularly my hon. friend, know something

was Minister of Justice. That once had to do with a man who was killed in some motorcycle accident in Cape Province a year ago. I had a good many letters from the Lloyd concerning his request to that case, and I never heard from anyone but the Lloyds as far as that matter was concerned. I do not know the circumstances of that case, or as a general rule with regard to a long report - I do not know whether Hall was in good ten times or thirteen times; I do not know whether it is a case of age perversion or adolescence or both. I simply know that a man - a human being at any rate - came and offered to make an affidavit on the first of the month and he made. So that you have two convicts and a guard whose name I have, and who has since that time been promoted, who all seem to know of these circumstances.

It does not matter that the incident reflected on me but it does matter whether any member of this House can be put in the position in which I was placed by this type of letter.

Mr. CUTHBERT: I heartily agree with the last statement of my hon. friend and, as I intimated at the beginning, if any member of the Opposition THAT or of any other party wishes to convince by reality of making derogatory remarks against members of this House, but even in being the minister in his own house and will not be convinced in the morning. I am satisfied that my hon. friend from Zoutpansberg has been imposed upon. I am not going to discuss the case at all - merely that. I am leaving him out of it. I am discussing the man who made the affidavit and the charge mentioned by my hon. friend. That is one which I will see is cleared up. My hon. friend would not dare to make statements when I made it that the language, on the word of honour, has insulted his character, and on the integrity of the Council in the affidavit. I ignore

of this man Hall, because he is imposing on her. She must listen to this. I want to warn her against the man. He has a criminal record which starts, so far as our records go, on September 13, 1923, at Vancouver. Before giving his record I will say that he is a confidence man out and out. At Vancouver he was convicted on September 13, 1923, of obtaining credit by false pretences, and sentenced as A.E. Hall. On July 2, 1924, he was convicted at Vancouver of false pretences with intent to defraud and was sentenced to six months in Oakalla prison. On January 14, 1925, he was convicted at Vancouver of obtaining money by false p etences and was sentenced to twelve days. Again, in May 1925, he was convicted at Vancouver of obtaining money by false pretences and sentenced to a term in gaol from the first of May. In 1925, May 12, he was convicted in Chicago, Illinois, of obtaining money by false pretences and was sentenced to six months in the house of correction, Chicago, to pay a fine of $25 in addition to costs, and ordered to be held to await the action of Cook county grand jury on two charges of issuing bogus cheques. He was placed under bond of $2,000. I have no record to show what ultimately came of that charge. In 1930 in Toronto, on May 9, he was convicted of false pretences and sentenced to a term of from six to twelve months in Burwash prison. In 1931, in Toronto he was convicted of fraud, - $5 by a worthless cheque; fraud, $20 by a worthless cheque; fraud, $15 by a worthless cheque; fraud, $16, in goods by a worthless cheque. He was remanded for sentence and was put on probation for a year. On January 3, 1933, there was a breach of probation. He was brought up again and remanded again and put on probation for two years further. The last offence was on April 6, 1933, in Toronto when he was sentenced to two years in Kingston penitentiary on a charge of theft.

of this man Hall, because he is imposing on her. She must listen to this, I must tell her her husband is no good. He has a criminal record which starts, so far as our records go, on September 10, 1933 at Vancouver. Before joining the Canadian Army that day he is a [illegible] man and not well. At Vancouver he was convicted on September 12, 1933, of attempting wrongly to obtain property, and sentenced to A.E. Hall. On July 2, 1934, he was convicted at Vancouver of false pretences with intent to defraud and was sentenced to six months in Oakalla prison. On January 14, 1935, he was convicted at Vancouver of obtaining money by false pretences and was sentenced to twelve days. Again, in May 1935, he was convicted at Vancouver of obtaining money by false pretences and sentenced to a fine in default of the fine of two. In June, May 1935, he was convicted in Victoria, Alberta, of obtaining money by false pretences and was sentenced to six months in the house of correction. Finally, he was a fine of $50 in default to months, and charged in the full in April in the police of Cook county grand jury on two charges of issuing bogus cheques. He was finally found guilty on 14,000. I refer to these as most of identity some of that charge. In June in Toronto, on May 4, he was convicted of false pretences and sentenced to a term of from six months in Mercer Reform. In 1937, in Toronto he was convicted of fraud, - 30 by a worthless cheque; fraud, $30 by a worthless cheque; fraud, $25 by a [illegible] cheque. He was sentenced to pay a worthless cheque. He was remanded for sentence and was put on probation for a year. On January 5, 1938, there was a charge of forgery. He was brought up again and remanded again and put on probation for two years further. The last charge was in April 4, 1939, in Toronto when he was sentenced by the judge to Kingston penitentiary on a charge of forgery.

That is the sentence which he recently served and following which he has been released. I stated that this person was an adept confidence man and I think I fairly well described him. But his operations have not been confined on all occasions to little petty cheques. For the information of the committee I am going to relate almost a national question, because in the month of April, 1930, the gentleman who styles himself as the Reverend Mr. Hall, psychologist, undertook to form the Canadian National Society and approached the Royal York hotel management about giving a tremendous banquet. The proposal was to have two thousand guests, and it was represented to the management that the chief speaker would be Sir George Foster, a senator. Invitations were conveyed to the then Prime Minister of Canada and to the then leader of the opposition, the present Prime Minister. It was to be a grand affair. The Royal York hotel was imposed upon. They went to an expense of something like $1,500 for this banquet and they received under $200. The total attendance at the banquet was one hundred and eighty people, their tickets, it was said, not being paid for, but the Royal York hotel immediately took action in the criminal courts.

Mr. LAPOINTE: Who were the star speakers at the banquet?

Mr. GUTHRIE: I have not been able to get from the newspapers the names of those who attended. I am taking from the Toronto Globe the report of the affair as given in the issue of May 9, 1930, after the prosecution had been instituted:

Debonair "Doctor" Hall complains in court of "persecution."

He was tried before Judge O'Connell of the county court of the county of York.

That is the sentence which he recently arrived and following
crime as has been released. I argued that this person was in
adept confidence man and I think I fairly well described him.
But his operations have not been confined to a few months in
little away anyone. The ten minutes of the speech I am
ashamed to relate almost a national question, because in the month
of April, 1940, the politicians are trying almost be the greatest
Mr. Hall, psychologist, undertook to form the Canadian Political
Society and appropriated the royal fund management fund air-
ing a premium bounty. The proceed was to have the Canadian
people, and it was represented to the management that the chief
speaker would be Sir George Foster, a member. Invitations were
conveyed to the then Prime Minister of Canada and to two then
leader of the opposition, the present Prime Minister. It was to
be a public affair. The royal Trust Co. was involved even. The
paid to an amount of honorium also 4,000 for that banner and
they received under $200. The total attendance at the banquet
was the national not single public. Hall's account, it was said,
not value paid for, but the royal Trust found immediately that
action in the criminal source.

Mr. LAPOINTE: The point the real question in the payment

Mr. GARDINER: I have not been able to get from the newspapers
the name of that one attendant. I am taking from the Toronto
Star the report of the affair as given in the issue of May 2,
1940, after the investigation had been instituted.

Toronto Daily Star explains in order to "investigation"
he was with Sarah Anne Gilmour, of the royal police in the
summer of 1940.

Judgment reserved on Royal York's fraud charge.
"National order" data.
As dramatic in his role of prisoner at the bar as he had been in his speaking appearances on Toronto platform. "Doctor" Alfred Ernest George Hall, yesterday appeared before Judge O'Connell in the county criminal court charged with fraud. Judgment was reserved until to-day.

The accused, self-styled psychologist, clergyman and officer of the "National Order of Canada,"was alleged to have obtained food by fraud from the Royal York hotel, and to have fraudulently obtained credit from the assistant manager of the hotel, George R. Street, and the Canadian Pacific Railway.

In November last, the hotel official testified, he met Hall, who arranged with him to give a banquet for two thousand people on the occasion of the initiation of new members of the National Order of Canada. When the banquet was held, witness said, only one hundred and eighty guests turned up. The bill came to $1,149. Hall had previously received credit from witness, it was said.

Albert Wetherley testified that he was once treasurer of the National Order of Canada. He had never received any salary, and at December 9 there was less than $200 to the order's credit. Witness was to have the title of right honourable. There were seventy-five members, but only twenty had paid their fees. A bank manager testified that the order at present had $1.31 in the bank.

"Doctor" Hall, attired in a braided black cutaway coat, double-breasted waistcoat, wing collar and gray trousers, then took the stand. Questioned by Crown Attorney Gordon, he swore that he was ordained in 1908 into the Church of Divine Metaphysics, in Indiana. He at present preached to a"group" in Kitchener.
"During your preaching you spent considerable time in jail," remarked the crown.
"You are trying to persecure me," complained accused.
He then proceeded to tell how he had joined the "order" in 1929. He told of planning the banquet, and of trying unsuccessfully to secure the Prime Minister as a speaker.

That would be the former Prime Minister.

They also invited Sir George Foster to speak.
After legal argument, judgment was postponed until to-day.

The following day the so-called reverend gentleman was convicted and sentenced to a term of imprisonment at Burwash, an Ontario prison.

His next venture is also worth describing. After being released from Burwash, he started some magazine subscription company with headquarters in Toronto, not using his own name at all, and he induced people

Jagger's reserved on Royal Ave's final charge.

'National order' date.

As Granville in his role of prisoner at the bar on in his last case in his exciting experiences in Irvine Stadium. Tomorrow Alfred Henry George Hall, secretary appointed before John O'Donnell in the county criminal court charged with fraud. Judgment was reserved until to-day.

The secretary, self-styled specialist, director and officer of the National Order of Canada, was alleged to have stated that he freed from the Royal Ave. and to have fraudulently obtained credit from the applicant, manager of the hotel, Charge d. Jones, and for Theodore Smith, 41 Bay.

In December last, the total official receipts, as one hall, who arranged with him to give a banquet for two thousand people on the occasion of the installation of the members of the National Order of Canada. When the banquet was held, witness said, only one hundred and eighty people turned up. The visit made by Jones, said that previously received credit from witness, if was said.

Albert Cameron testified that he was the treasurer of the National Order of Canada. He had never received any money, and at December 3 there was less than $200 in the order's credit. Witness was in fact the sole officer hold-ing. There were currently-five members, but only twenty had paid their fees. I had managed financial for order at present but it is in the hands.

"Toolour Hall, attired in a tucked black cutaway coat, gaily-striped waistcoat, wing collar and very tasteful, than such the court. Questioned by crown Attorney Jordan, he avow that he was resident in Port Hall for Thirty of little Sth-ratios, in Indiana. He at present presented to a"group" in Kitchener.

"Where were presenting you appear considerable time in jail," remarked the crown.

"Yes are right, he responsible me," complained accused. He then proceeded to tell how he had joined the "order" in 1929. He had at stashing the banquet, and of trying unsu-successfully to secure the Prince Minister as a speaker.

That could be the Prince Prime Minister.

They also invited Sir [illegible] Tudor to a [illegible]. After lunch accused, judgment was reserved until to-day.

The following day the criminal trial of Theodore was continued and resumed to a [illegible] of impressment at Toronto. He [illegible] wives.

His case relative is also worth describing. After being refused from Toronto, he started some measure substantiation company with head-quarters in Toronto, not using his own name at all, and he induced people

throughout Canada to send him subscriptions to various magazines for which he claimed to be an authorized agent. People who sent their money got no reply, and after waiting a while they placed the matter in the hands of the attorney general at Toronto and also of the crown attorney in that city. Some two hundred and forty-one unfortunates made complaints. The amounts involved in their subscriptions were I think around $2,000. Those others who subscribed and did not complain, we have no record of, but the reverend gentleman was again arrested and tried in the criminal courts of Toronto. On this occasion he was sentenced to two years in Kingston penitentiary.

That is the man who made the affidavit or the alleged affidavit. That is the man by whom this charge against Inspector Dawson has been launched. I have inquired fully into the charge as far as I can, not on oath I will say, but I have the word of Inspector Dawson who is a gentleman, that there is no foundation for the charge.

I shall not refer to prisoner 3242 except to say that I think he must be mentally wrong because he is looked upon as the greatest liar we have ever had in the institution. I will give the committee one sample. We have in the department a letter from his brother who is a prominent man, a British government official in the West Indies. He writes to our department saying that prisoner 3242 was born in Antigua, was brought up in the Church of England and came to Canada in 1903. Prisoner 3242 says: "Iwas born in Toronto; I was brought up in the Roman Catholic Church and I have lived in Canada all my life." The brother is a highly distinguished man. I wish the hon. member for Southeast Grey would not be led away with stories of this kind and by men of this character. These men are trying to excite her sympathy and probably her animosity against the penitentiary staff. They have laid clever plans for that purpose, and I sincerely

hope she will place no dependence upon those stories that were circulated. We all want to protect the honour of everyone in the House of Commons. I am sorry that the matter has been brought to the attention of the house at all, but I am bringing it now and giving the man's record in order that the house may judge. This I am going to say: Having made my statement, if the hon. member for Southeast Grey desires an investigation into this question, the truth or falsity of these statements between Hall and Inspector Dawson, I will appoint a county court or high court judge of Ontario to undertake such an investigation at once. Personally I do not think an investigation of the kind is necessary, but I do think, as the honour of a member of parliament is to some extent involved, that the matter ought to be cleared up, so I make that offer now to the hon. member for Southeast Grey. If she desires the investigation after the statement of fact I have given I am quite content to order it.

Mr. LUCHKOVICH: The minister said that if anyone in the service were guilty of any derogatory remarks he would be discontinued in the service. May I therefore ask whether, if a judge made a derogatory statement indicting a whole race because of the isolated crime of an individual he should not also be discontinued in the service?

Mr. GUTHRIE: That is another question. There are certain privileges, honours and responsibilities attaching to members of this House of Commons that should be protected.

Miss MACPHAIL: I shall be very glad to have an investigation into this matter. But this particular question is not what interests me most, although I am most anxious that it should be cleared up, and I shall be very happy to accept the suggestion of the minister. But what I want is an investigation by a royal commission into the whole

hope she will place no dependence upon those stories that were circulated. We all must be aware of everyone in the House of Commons. I am sorry that the action has been brought to the attention of the House at all, but I am bringing it now and giving the matter record in order that the house may judge. Then I am going to move [illegible] Grey deals an investigation into this question, the result of that may be [illegible] Hall and [illegible]. I will [illegible] [illegible] [illegible] tigation of the kind is necessary, but I do think, as the honour of a member of parliament is in some sense involved, that the matter [illegible] [illegible] Grey. If she desires the investigation after the statement of fact I have given I am quite content to order it.

Mr. DUNCOMBE: The minister said that if anyone in the service were guilty of any two story remarks he would be discontinued in the service. May I therefore ask whether, if a judge made a derogatory statement implying a grossly sexy character of the [illegible] crime of an individual he would not also be discontinued in the service?

Mr. [illegible]: That is a [illegible] question. [illegible] privileges, honours and responsibilities attaching to members of this House of Commons that should be protected.

Miss [illegible]: I shall be very glad to have an investigation into this matter. But this particular question is not what interests me most, although I am sure it should be cleared up, and I shall be very sorry to accept the suggestion of the minister. But what I want is an investigation of a broad resolution into the whole

penal system in Canada, which is a very much greater thing than anything said about me. One must say this at any rate for Hall, he was not asking me for sympathy. He said, "I have a bad record." I did not even ask what it was. He said, "The record will be spread on Hansard, so do not defend me." He said,"I am making an affidavit and the affidavit I make is true, and if it is not true let them put me back in penitentiary." There you are. The department headed by the minister will not have an investigation into the penal system in Canada. It is all very well to put these two cases on Hansard and make it look very bad for me, but what about a penal system marked by demonstrations and riots and fires from one end of the dominion to the other. Let me specify some of the recent ones:

April 5, 1932 -
Demonstration at Stony Mountain penitentiary where several guards were injured and one killed.
September 9, 1932 -
Further disturbances at Stony Mountain.
October 17, 1932 -
Riot, Stony Mountain.
October 20, 1932 -
Riots, Kingston.
November 4, 1932 -
Riots and fire at St. Vincent de Paul.
Again in 1932 -
Unrest in British Columbia penitentiary.
Again in 1932 -
Some difficulty not particularly described in Saskatchewan penitentiary.
January 17, 1933 -
Riots, Dorchester.
December 6, 1933 -
Stone shed strike, Kingston.
May 5, 1934 -
Demonstration, Kingston.
May 15, 1934 -
Fire and $35,000 damage, Kingston.
March 21, 1935 -
Fire at Kingston which the minister says cost something about $5,000.

We have a penal system in Canada in which seventy-three per cent of the total prison population are recidivists - I am using the figures of the hierarchy so they ought to be correct. Twenty-eight per cent have been in penitentiary before and forty-five per cent

general system in Canada, which is a very good greater thing than anything said about me. The most any film at any rate for half, he was not asking me for anything. He said, "I have a bad record." I did not even ask what it was. He said, "The record will be played on Monday, so do not forget me." He said, "I am making an artificial and the artificial I make is true, and if it is not then I am just an hour in reality." Some yes are. The experiment tested by the minister will not have an investigation into the real system in Canada. It is all very well to say that some on Saturday was made it look very bad for me, but what about a long article received by Commissioner and there and flung into my face of the implication to the other. Not so quickly some of the recent cases

April 1, 1963 -
Second Section of Alan Campbell Institutes which advocated greater more intensive and not flight.
September 9, 1962 -
Further discussions at Alan Campbell.
October 17, 1962 -
Bill, Jean Marchand.
October 30, 1962 -
Globe, Editorial.
November 2, 1962 -
Globe and Mail at 8. Planned to Soc.
again in 1963 -
Speech in British Columbia parliamentary.
again in 1962 -
Some difficulty and politically inserted in Conservative parliament.
January 17, 1964 -
Globe, Montcalm.
November 6, 1962 -
Some good article, Kingston.
Dec 2, 1964 -
Commentator, Kingston.
May 19, 1964 -
Globe and Mail, Kingston.
April 21, 1964 -
Here is Kingston which the minister says was something about 14,000.

We have a people system in Canada in which serious--there are very at the top) higher population are realistic - I am sorry the figures of the literary as they ought to be written. Twenty-eight per cent have been in penitentiary before and forty-five per cent

in gaols and reformatories; in other words three out of four return again. Irrespective of any other evidence, there is something radically wrong with a system that produces such a condition. Imprisonment is necessary, but in my opinion it should be made to serve a constructive purpose, and the moment it does not do so it is failing in its object. I am interested in penal conditions. I used to feel that I could work with the former superintendent of penitentiaries, Brigadier General Hughes. He issued reports that were reports; he always had recommendations at the end. I have talked with him many a time about penology and the things he would like to see done and that I would like to see done. I have read through many of his reports, I happen to have two in my hand; they were certainly very different documents from those of General Ormond. In one of his reports, covering several years starting with 1923, General Hughes said:

> The more punishment inflicted on inmates in a prison the stronger the probability that the place is badly managed.

And again on page 13 of his report for 1923 he says:

> Most of those educated in the treatment of the criminal agree that strict discipline is essential in a properly conducted institution, but all disciplinary efforts are wasted unless tempered with loving and merciful treatment. I have looked in vain for one example of true conversion to virtue through punishment.

I read through again last night the report of Superintendent Ormond for 1934. It certainly is not the kind of report I would think a superintendent of a penitentiary would make. I question whether Lieutenant Colonel Megloughlin ever wrote the report attributed to him on page 11. It is the most curious sort of report I ever read that anyone would make about his own work. He criticizes himself about the matter of the baseball which the minister mentioned a little while ago, and although baseball may have been carried on in Kingston without the consent of the Ottawa office at any rate it did get this commendation from Reverend Father Kingsley. On page 12 I see he reports that:

in pseudo and telecommunications; in other words turns out of last resort equals. Irresponsible of any other criticism. There is something radically wrong with a system that produces such a manifestation. Institutions are necessary. But in my opinion it should be made to serve a constructive purpose, and the moment it does not do so it is failing in its raison d'etre. I am interested in quasi-institutions. I need to know that I could work with the former superintendent of penitentiaries, Brigadier General Hughes. He issued reports that were reputed to be clever but recommendations at the end. I have talked with him over a nice about pondering on the things he would like to say that and that I would like to see done. I have read through many of his reports, I believe he knew he is no longer; they are particularly very different comments from those of Commissioner Ouimet. In one of his reports, covering several years ending with 1970, General Hughes said:

> The more punishment inflicted on inmates in a prison the stronger the probability that the place is badly managed.

And again on page 15 of his report for 1972 he says:

> Most of those educated in the treatment of the criminal agree that strict discipline is essential in a properly conducted institution, but all disciplinary attempts are worthless unless coupled with a loving and meritful treatment. I have looked in vain for the example of this methodology in Kingston (Prison) penitentiary.

I read through again last night the report of Superintendent Hughes for 1974. It certainly is not the kind of report I would think a superintendent of a penitentiary would make. I quoted certain statistics, Colonel Hughes's over words the report attributed to Kingston Prison. It is the most serious sort of report I ever read but anyone could make what kind of sense. He criticizes himself because the number of the inmates, the minister mentioned a little while ago, and although he could say there been cutting in the staff without the consent of the Ottawa office as any rate it did get this responsibility from Parliament Public Liberty. Question 19 I see he

> A marked improvement has taken place in the ranks of the convicts in Kingston penitentiary since the inception of softball more than a year ago. The physical improvement is so evident that it needs here no labouring by me. But an improvement exists which, not so apparent to the casual onlooker, is none the less very real and even more important.

I suppose one can accept Father Kingsley as a disinterested person, concerned only in the welfare of the people incarcerated in Kingston. Then on the opposite page you have this report, apparently made by Warden Megloughlin:

> The warden neglected to comply with the instructions and regulations requiring that every physically fit convict employed in a shop or at indoor work should be given systematic physical exercises during one-half of the period allotted for exercise. He contended himself with permitting the convicts to play at softball or the tossing of quoits.

I do not think Warden Megloughlin wrote that. It was written possibly after he was asked for his resignation. Then it goes on:

> The softball eventually developed into competitive scheduled games between different convict gangs and was subversive of prison discipline.

Although across on the other page we have Father Kingsley praising it very highly.

> The warden was instructed to discontinue this type of exercise in October, 1933, and gave assurance that "softball will be replaced by free movement exercise just as soon as conditions warrant." Up to the end of the fiscal year no systematic exercise of convicts had been carried out, the result being that a large proportion of the convicts did not carry out any physical exercise but were permitted to sit around in groups and watch other convicts taking part in games of softball and the tossing of quoits. This is the only penitentiary in which the warden and the physician have not reported verysatisfactory results following the introduction of systematic and controlled free movement exercises.

At this point I am very much interested to know who wrote that report?

Mr. GUTHRIE: The report itself states that it is written by the inspectors. These are not wardens' reports. These are the results of inspections carried on in those penitentiaries.

A marked improvement has taken place in the tasks of the overlais in disposal pedagogicity since by inspection of cellulit more than a year ago. The practical improvement is an evident that it needs been no labouring by demi so improvement which, not so apparent to the casual spectator, in some the less very real and even more important.

I measure are one except Tatner Kingsley as a distinguished person, concerned only in the welfare of the people interested in Kingston. Then to the upgrade page you have this report, especially made by Tatner Kingsley:

The writer endeavored to deeply grid the institutions and practices regarding that every especially its moral original in a that of a labor work should be given investigation behalf behalfs during and-half of the period alleged for exercise. In mentioned illegal with good time the weight to play is nullit or the bearing of quite.

I to act this Tatner Kingsley mysis that, it was not too penalty after he was asked for his resignation. Then it was an:

The authoritarian generally developed into conditions scheduled guess between different convict gangs and was adversive of prison discipline.

Although across on the other page we have Tatner Kingsley relative it very slight.

The writer was interested to discussing this type of exercise in October, 1926, and gave reasons that "with full all be replaced by free convict working that so some as conditions warrant." Up to the end of the first year on systematic exercise of activities had been curtailed and, the result being that a large proportion of the convicts did not carry out any original exercise but were employed in its stead in gardens and which other convicts being part in gangs of outfall and the loosing of quoits. This is the only punishment in which the warden and the principles have not imposed varyingtheory results following the introduction of systematic and considered free exercised exercises.

At this point I am very much interested to know who wrote that report?

Mr. HOBBS: The report itself states that it is written by the inspectors. These are not workers' reports. There are the results of inspections carried on in those institutions.

The figures and details are all in the wardens' reports, but these are the comments, favourable or adverse, that are made in respect of each penitentiary. Warden Megloughlin did not write that or any part of it; neither did Colonel Piuze, in regard to St. Vincent de Paul.

In regard to the question of a commission to investigate penitentiary matters I want to say that notwithstanding the criticism that has been heard from some quarters of this house and notwithstanding the attitude taken by some newspapers in Canada I am proud to say that Canadian penitentiaries to-day stand higher than or as high as those of any other country in the world. I claim no credit at all for that condition. On August 1, 1932, General Ormond was made superintendent of penitentiaries. That was not my selection. I had never met General Ormond before; I had never seen him. He was selected by the civil service commission. I do not know his politics; if he had any certainly he was not a Conservative. I took him as he was sent to me, and he entered upon his job early in August as a man new to penitentiary mamagement, though he had had much experience in the management of men in our militia and also during the great war. I gave him pretty much of a free hand, but before he had made his preliminary visits to the penitentiaries the great riot broke out in Kingston, In October 1932. At that time he had been superintendent for only three months and I think had been at Kingston for only two days, on two different occasions. He had nothing to do with that situation, though I know sometimes newspapers and individuals blame him. There is documentary evidence on file that the riot was planned in the spring of that year; the former acting warden had evidence on his file - to which he paid no attention - that there was going to be an outbreak in that institution.

The figures and details are all in the warders' reports, but those are the comments, favourable or adverse, that are made in respect of each prisoner. Perhaps Mediwanlin did not write that or any part of it; neither did Colonel Kiwa, it seems to me. Vlaanel is dead.

As regards to the question of a commission to investigate penitentiary matters I want to say that administering the criminal law has been hard from some varieties of this house and notwithstanding the attitude taken by some newspapers in Canada I am proud to say that Canadian penitentiaries to-day which differ than or do kind as those of any other country in the world. I claim no credit at all for that condition. On August 1, 1922, General Ormond was made superintendent of penitentiaries. That was not my selection. I had never met General Ormond before I had never seen him. He was selected by the civil service commission. I do not know his politics; if he had any certainly he was not a Conservative. I had him as he was made to me, and he achieved exactly the job which is proved to a man who is penitentiary management, though he had had much experience in the management of men in our militia and also during the great war. I gave him exactly such as I saw fit, but before he had made his preliminary visits to the penitentiaries the worst riot broke out in Kingston, in Ontario Prison. Perhaps time he had been superintendent for only three months and I went out with to Kingston for only two days, on two different occasions. He had assisted in every way possible. Though I have sometimes newspapers and individuals blame him. There is documentary evidence to show that the riot was planned in the spring of that year; the Commission sitting earlier had evidence in its file - to which he paid no attention - that there was going to be an outbreak in that institution.

As I have said, I gave the superintendent pretty much of a free hand. Before the first riot he made a number of recommendations which I thought it my duty to submit to the various wardens, the superintendent being a new man. Between the time of submitting them and the end of October the outbreak took place.

We have introduced so many changes in the penitentiary system of Canada in the last three years that you would hardly know it as the same system, and all these changes have been the direct result, from beginning to end, of the recommendations of superintendent Ormond. I claim no credit for them. There have been some thirty or forty changes, which have vastly improved the penitentiary system throughout Canada. Conditions have been very greatly ameliorated. Exercise has been very greatly improved. Privileges are now granted the prisoners - some people say we grant too many privileges - which in former days they never dreamed of. We allowed what they demanded in the riot of 1932, cigarette papers, and now we give them an allowance of two ounces of tobacco a week, which seems to satisfy them. We now give them pay.

Miss MACPHAIL: Do they pay for that tobacco out of their five cents a day?

Mr. GUTHRIE: They pay for that out of their wages. We pay them now; we did not do so previously.

Mr. MACKENZIE: (Vancouver): How much?

Mr. GUTHRIE: I am going to discuss that now. I know there is some criticism of that, because all people do not approve of paying convicts. In England theypay very very modest amounts in a very few prisons. I believe the highest pay in any place is a shilling a week, but it is only in two or three institutions that anything is paid. In the United States they pay from two cents up to five cents in some prisons, but in ninety per cent of the prisons of that country they pay nothing. There are one or two

As I have said, I gave the superintendent pretty much of a free hand. Taking the first step in such a matter of overcrowded-ness which I thought is my duty to inform to the various matrons, the superintendent being a new man. Taking the line of educating them and by and of further the reforms that place.

We have introduced as many changes in the penitentiary system of Canada in the last three years that you would hardly know it as the same system, and all these changes have been the direct result, from beginning to end, of the representations of Canadian Women. I claim no credit for them. There have been some thirty or forty changes, which have really improved the penitentiary system throughout Canada. Penitentiaries have been very greatly improved. Dormitories have been very greatly improved. Privileges are granted the prisoners - some people say we treat too many privileges - which it turns out they never deserved at. We allowed what they demanded in the city of Ottawa, alternative papers, and now we give them an allowance of two packets of tobacco a week, which costs us seventy cents. We also give them pay.

MRS. MACPHAIL: Do they pay for that tobacco out of their five cents a day?

Mr. GUERIN: They pay for that out of their wages. We pay them what we did not do in previously.

Mr. MACDONALD (Kamloops): Can model

Mr. GUERIN: I am going to discuss that now. I have there in some criticism of that, because all people do not approve of paying the prisoners. In Soviet Russia they very modest amounts in a very few places. I believe the highest pay in any place is a shilling a week, but it is only in one or three little institutions that anything is paid. In the United States they pay from two cents to five cents in some prisons, but in ninety per cent of the

prisons in which they pay as much as thirty-five cents a day; those are prisons in which prison labour is recognized, where the convicts work on contract work and the goods are sold in competition with the ordinary goods of the country. In those two institutions the contractors are bound to pay wages of thirty-five cents a day.

We allow wages of five cents a day and they are computed in this way. For the first week nothing is paid. After that they they are entitled to five cents a day or thirty cents a week for their work; that applies to the first six months. After they have been six months in the institution they are entitled to six days per month remission. Therefore for the twelve months after the first six months, if their conduct has been good they receive a remission of seventy two days on their sentence. After they have seventy two days to their credit we start paying them ten cents a day and after eighteen months their remission counts up more rapidly because after that period they get ten days a month off for good conduct.

From the amounts paid the convicts is deducted the actual cost of the tobacco used. Formerly they received a free issue of one-eleventh of a pound. Now they receive an issue of one-eighth of a pound, the cost of which is deducted from their wages. The tobacco and papers for a week cost them 13½ cents. They have a balance to their credit in the penitentiary books, accumulating from month to month or year to year until their sentence is served, and on the discharge the accumulation is handed to them. For many years back no convict has been sent out with an empty pocket; in recent years he has always received $10.00 in cash and a ticket to his home or the point where he was convicted.

prisons in which they are as much as twenty-five cents a day; there are prisons in which prison labour is prohibited, where the convicts work on contract; most of the jobs are sold in competition with the ordinary people of the country. In these two institutions the authorities are bound to pay wages of thirty-five cents a day.

In other wards of five cents a day and they are rewarded in this way: for the first week nothing is paid. After that they are entitled to five cents a day as tidbit money a week for every week. This could be the first six months. After that they have six months in the institutions they are entitled to six days per month remission. Therefore for the twelve months after the first six months,it really amounts to have good conduct a reduction of seventy two days in the sentence. After that they will receive two days in eight weeks we start getting than two days a day and after eighteen months their sentence expires up more worldly business after that period they get ten days a month off for good conduct.

These the convicts pay the convicts in exchange the second most of the income taxes. Formerly they received five cents of con-siderable of a pound. Now they receive ten cents of con-siderable of a pound, the rate of which is regulated from time to time. The convicts can purchase for a week not than $25 worth. They have a privilege to clear credit at in the penitentiary shops, accumulating from month to month or year to year until their sentence is served, and on the discharge the accumulated is handed to them. The most place back to receive his own cash out within eight months; in recent years he has always received $10.00 in cash and a ticket to the home or the point where he was convicted.

Mr. MacKenzie (Vancouver): Regardless of the length of sentence?

Mr. Guthrie: Regardless of the length of sentence. Any man who has not earned anything in the penitentiary or who has not $10. to his credit when he is released still will be given his ticket and $10. btu men who have accumulated $30. $0 or $50. will be given that accumulation but will not be given the $10. It is estimated that this payment to prisoners will cost the government of Canada about $27,000 a year. We will save what we formerly spent for tobacco, but that is taken into account when it is estimated that the sum will amount to $27,000 a year. This payment of wages which was only instituted last January is working well and is appreciated by the men, according to the reports of the wardens.

That is one new move. Another change that will be instituted in the near future, I hope, is what is known as the Borstal System, as operated in England. In that country they have a system for the training of youthful offenders which has not been adopted in the federal prisons of Canada to any extent. The Borstal system in England only applies to prisoners between the ages of sixteen and twenty-one. Youthful offenders in that country between these ages are sent first to a detention prison where they are examined, their fitness for future life is considered, including their adaptability, and a general examination takes place in regard to their history as well as their present and their future. If they are approved as hopeful or suitable cases they are then put in a Borstal Institution and if not so approved they are sent to the ordinary prison. They are kept in Borstal Institutions for two or three years. Three years is the limit, and I have read reports indicating that a three year term is necessary in order to obtain good results. As hon. members are aware these are not what one would call

people of the convict class, they are minor or juvenile offenders. In England three classes are made to the first of which belong individuals below the age of sixteen years who come under what is known as the Children's Act. With a similar act this federal government does not deal. We do not take them into our institutions under the age of sixteen years. Between the ages of sixteen and twenty-one they are regarded as juvenile offenders. We have however 314 persons between the ages of sixteen and twenty-one. It is considered that a large proportion of these youthful prisoners might be treated under the Borstal system as it exists is England.

No change would be necessary in our Penitentiary Act to bring that system into effect. We could utilize the present act, in its present form and if we so desired introduce the system now under discussion. Of course some extra expenditures would be entailed when the system was brought into force. At the present time it is estimated that about 250 of the 314 prisoners under the age of twenty-one might be improved and given a brighter future than otherwise they could have. A great proportion - probably I should say a fair proportion of the offenders between these ages are not first offenders; some of them are third offenders. Forty-four of them are incarcerated under two year sentences for escapes from provincial institutions where they have been treated more or less along the lines of those followed under the Borstal System. The institution at Guelph could be so described. However these prisoners have escaped and for that reason have come into our hands.

The adaptation of the buildings is a point which will have to be considered. If we adopt this system we will have to have further prison construction. At St.Vincent de Paul there will not be a great deal more required because at the present time we have in course of

erection at that point an institution which would suit very well application to the Borstal system. The work, if not performed by convict labour, could be very speedily completed by contract labour. As a rule, nearly all penitentiary construction is by convict labour. This I will grant is not the most satisfactory kind of construction because in a great many instances the labour is not what could be described as skilled labour. However the institution at St. Vincent de Paul could readily, if we adopted the contract system be completed and made into a first-class Borstal institution. At Kingston some further building would be required. I believe the facilities in Manitoba could be adapted to the Borstal system without any great expenses and the same would apply to Prince Albert. I am told however that at New Westminster there would have to be some additional expenditures.

As the total population at the present time between these ages is only 314 and as it is divided among six or seven penitentiaries, I believe some system whereby we could reduce the number to two or three would be most satisfactory, having regard to the geographical situation in Canada. Distances in this dominion are very great. So far as possible it is proposed to adopt that system in dominion prisons. However the great bulk of youthful or juvenile offenders in this country are not those to be found in our penitentiaries. They are to be found in provincial institutions, and whether or not we will be able to induce the provinces of Canada to adopt the system I cannot say. The ordinary gaol and reformatory are under provincial, not federal juriddiction. However, I propose at an early date to send the superintendent to England to make additional inquiries concerning the Borstal system, so that we may have a report upon it at the earliest possible moment. I am satisfied that at least to some extent it can be adopted without enormous expense to the penitentiaries of Canada,

I am pleased to say the penitentiaries population is slightly decreasing and that our staff is being gradually reduced. According to information I have the actual penitentiaries population on February 28 of the present year was 3,603 prisoners.

Miss Macphail: Would the minister repeat that?

Mr. Guthrie: 3,603 prisoners of all grades.

Mr. Lapointe: A decrease from what year?

Mr. Guthrie; I shall come to that in a moment. In addition to this number we have 76 people in asylums and 20 in hospitals or on temporary ticket-of-leave making a grand total of 3,699. For the information of hon.members I shall give the figures for each year. In the year 1933 the prison population was 4,587; last year it was 4,220 and the figure for this year, as I have just given is 3,699. This decrease has enabled us to reduce the staff of guards in British Columbia by five and to reduce by another five the staff at Collins Bay and Portsmouth. If the present population decreases we will be very pleased to make any further decreases in staff which may be possible.

Hon.members will note that the vote is for almost the same amount as was asked last year. The reason is that on account of demands made upon us by labour organizations and the like we have had to adopt three eight hour shifts, so far as guards are concerned, involving an increase in the number required. When three or four years ago the matter was discussed in parliament a report from the then superintendent indicated that the new system could not be introduced without an increased expenditure of $250,000. However, at an increased ~~expenditure~~ cost of $70,000 we have the three shift system operating in all penitentiaries. This practice does not work out in exact compliance with the terms of the eight day legislation introduced this session. Under the

I am pleased to say the penitentiary population is steadily decreasing and they are early in being properly housed. Speaking of institutions I have the street maintenance committee to report on of the usual per diem rates.

Mr. Lapointe: Will the minister please table that?

Mr. Martin: Some problems of all groups.

Mr. Lapointe: A decrease from last year?

Mr. Ouellette: I am coming to that in a few moments. In addition to this number we have 70 inmates in asylums and 24 in Saint-Jerome Hospital, for the insane, and 2 in Clairvaux-Jeunes Délinquants, for a total of 96. In the insane hospital of Saint-Jerome I would give the figures for a year ago. In the year 1955 the prison population was 4,387; last year it was 4,320 and the figure for this year, as I have just given it, 4,400. This shows it has enabled us to reduce the staff by nearly 15 people estimated by time and to reduce by another five the staff at Collins Bay and Kingston. In the general population however we will be very pleased to see the further decrease in staff which may be realized.

Hon.members will note that the vote is for almost the same amount as was asked last year. The reason is that on account of increased [illegible] in the prison population and the time we have had to spend [illegible] in the number retained. When three or four years ago the matter was discussed in parliament - member from [illegible] - [illegible] the new system could be introduced without increased expenditure of [illegible]. However, in the [illegible] of 1955 we have the three shift system operating in all penitentiaries. That practically does not have any [illegible] with the [illegible] of the eight day legislation introduced this session. Under the

system in operation more than 48 hours are worked. Some further adjustments will be required because the two remaining shifts do not work quite as long as the day shift. The day shift begins operation at the opening of the prison in the morning and remains at work until the count in the afternoon after the shops are closed.

I mkke particular mention about the penitentiary guards because I have received many letters respecting them. May I observe that their working hours when one year is compared with another ix are not too strenuous. As is the case with every other person they have one rest day each week. They have eighteen days of holidays in each year, something which very few workmen enjoy. They are allowed three of our national or legal holidays, in addition to the eighteen days I have mentioned. If they become sick they are given leave of absence during their sickness. If you compute the days they are allowed off, fifty-one rest days, eighteen days holidays, three days of national holidays and sick leave I do not think anyone can argue that they are exceptionally hard worked. In some instances they do work a little more than eight hours per day. It is hoped that the staff will be further reduced due to a reduction in prison population.

There is another matter I should like to clear up, one which has been brought to my attention by some hon.members. I am sorry one of the hon members interested is not in the chamber. I refer to the alleged decrease in crime and prison population in England. It is currently supposed that there has been a tremendous decrease in crime in Great Britain but I am sorry to say that thabe is not the fact. The reason there is a supposed decrease is the fact that in the British

Mr. Guthrie:

prison reports they do not include any convictions under the Children's Act, which covers those up to sixteen years of age, or under the juvenile offenders act, which covers those between sixteen and twenty-one years of age. The result is that the number of felons or convicts is shown to be decreasing when in fact the opposite is the case.

Mr. Lapointe: Have they not closed some of their gaols?

Mr. Guthrie: I will deal with that; they are opening some too. The following si from the official report of the comissioners of prisons:

> The year 1932 saw an increase in the convict population. The daily average of men rose from 1,450 in 1931 to 1,512 in 1932. This increase has continued into 1933, and the total population rose in the last week of September, 1933, to 1646.

After the war and in order to reduce staff, as was stated, a number of old, antiquated and worn out prisons were closed. There were many such prisons in Great Britain, some of them being centuries old. These buildings were in such a state that they could no longer be used as human habitations and they were torn down. The number of prisons, gaols and lock-ups was reduced from 92 to 30. They are now opening new prisons. I state this not to show that they are worse there than we are here but to rid the house of the impression that serious crime is decreasing in the United Kingdom.

Our penitentiary system as it is to-day is to some extent a model for other countries. This system has been commended by high authorities in prison work in the United States. The superintendent of penitentiaries has been made a member of the American Prison Association, being also a member of the board of directors. He has been made a member of the prison educational committee and in the United States as well as in Canada is looked upon as an authority on such instiutions. He has visited innumberable institutions of every kind in the Inited States in order to see the latest

Mr. Gardyne:

Will the Minister say if he is not in favour of any amendment under the Juvenile Act, which covers those up to sixteen years of age, or under the Reformatories Act, which covers those between sixteen and twenty-one years of age. The result is that the number of felons or convicts is about to be considerably more in view of the amendments in the Act.

Mr. Lapointe: Have they not closed some of their goals?

Mr. Cantlie: I will deal with that; they are closing some too.

The following is from the official report of the commissioners of prisons:

The year-long but no increase in the convict population. The daily average of men was 1,440 in 1937 to 1,420 in 1938. This increase was registered into 1939, and the total population was by the last week of September, 1939, 1,470.

After the war and in order to reduce staff, as was stated, a number of old, antiquated and worn out prisons were closed. These were only used during the peak periods, some of them being actually unfit. These buildings were in such a state that they could no longer be used as fresh penitentiaries and had more than once been condemned by grand juries, gaols and lock-ups and reformatories from 50 to 300. They were not adapted for prisons. I always did not be sure that they are worse than we are here but to rid the homes of the impression that serious crime is decreasing in the United Kingdom.

Our penitentiary system as it is to-day is to some extent a model for other countries. This system has been recognized as fully responsible in prison work in the United States. The superintendent of penitentiaries has been made a member of the American Prison Association, being also a member of the board of directors. He has been made a member of the prison educational committee and in the United States as well as in Canada is invited once or so annually to such institutions. He has visited innumerable institutions of

[illegible]

Mr. Guthrie:

development in prison methods and prison reform.

Miss Macphail: How long has he been superintendent?

Mr. Guthrie: Since August, 1932. He has been invited to attend the great world prison congress to be held next summer in Berlin, Germany, but I do not know whether we will be able to spare him. His work is reflected in the condition which exists to-day in Canadian penitentiaries. The accommodation we provide is better than that provided by almost every prison on the continent of America.

Before I conclude this part of my statement there is one other matter I should mention which I omitted. We have also established something in the nature of a star class among the prisoners in the penitentiaries, generally on the lines established in England. There they call it the star class, but there we have not adopted that term. We have taken over the old prison for women in Kingston for those prisoners who we think are entitled to perhaps more lenient treatment or a little more liberty than the others. There are now in that women's prison forty-three such prisoners; they have been selected chiefly on account of their conduct and their adaptability for reform. Some of them are serving life terms. Really the only privileges which they enjoy over other convicts is that they are kept by themselves although they work at ordinary tasks, mixing with other convicts. They are allowed to assemble in a common hall after working hours and to talk or to smoke or to play games as they see fit. They are also allowed to take one meal a day together, while the others are fed separately in their own cells. I do not know that there are any other privileges attached to this class at the present time, but it corresponds very lartely to a class of prisoners they have established in England which they call a star class, and I believe it is the only one in English prisons which is permitted to

Mr. Butler: Since August, 1938, he has been invited to attend the great world prison congress to be held next summer in Berlin, Germany, but it is very hard whether he will be able to accept the invitation. He has been interested in the operation of prisons in Germany for many years.

Before I conclude this part of my statement there is one other matter I should mention which I omitted. We have also established something in the nature of a star class among the prisoners in the penitentiaries, primarily in the Ohio penitentiary in Columbus. There is very well it has been also, but there are not there but there are. So we have taken the VAS system for women to Ohio for those prisoners who are entitled to enjoy more liberty than the others. Little more liberty than the others. There are now in that women's prison forty-three such prisoners; they have been selected solely on account of their conduct and their adaptability for reform. Some of them are serving life terms. Really the only privileges which they enjoy over other convicts is that they are kept by themselves although they work at ordinary tasks, mixing with other convicts. They are allowed to wear in a somewhat half office working dress and to walk or to ride in the yard. They are kept apart. They are also allowed to take one meal a day together, while the others are fed separately in their own cells. I do not know that there are any other privileges attached to this class of the prisoners. Now, as I suggested, very lately to a class of prisoners who have attained to degrees which have call a semi-class. I believe it is the only one in English prisons which is permitted to

Mr. Guthrie:

use tobacco. That is in line with the policy of segregationw hich has been instituted in all Canadian penitentiaries. We are trying as far as possible to carry out a scheme of segregation so that the prisoner who shows any inclination for reform may have every advantage possible in a penal institution. The inspector's report sets out what has been done in that respect, but there is a good deal to be done yet. When a prisoner is admitted, he is examined as careully as possible by the warden, the deputy warden, the chaplain, the schoolmaster and other officials to see what it is best to do with that man. You cannot altogether segregate them by ages, although ages have a good deal to do in regard to such a question. That work was instiuted about a year and a half ago and is being carried on. It will be carried on and continued, and as our buildings afford us an opportunity it will be carried on to a larger extent than it is now.

I do not know if I need go into the various matters which I discussed in this committee a year ago as to cell accommodation adnd the like, but I refer to it only for this reason, that the hon. member for Southeast Grey, as is also every other member, is a statutory visitor of all penitentiaries whenever she has a desire to go ther, and nothing would please me and the staff more than that a deputation should go through these penitentiaries--the nearest one is Kingston or St. Vincent de Paul--from top to bottom and spend all the time they like there, because I am convinced there would be only one report. The hon. member for Southeast Grey paid a visit as she says, I think it was in February last, and went pretty fully through the male institution. Why she did not go through the female prison, I do not know. Perhaps she had been through it before, or time did not permit. But I would be inclined to think

Mr. Chairman:

Mr. MORGAN: That is the kind of a policy of [illegible] has been instituted in all Canadian penitentiaries. We are trying as far as possible to carry out a scheme of segregation so that the prisoner who shows his intention - for reform may have every encouragement in a good institution. The inspector's report sets out what has been done in that respect, but there is a good deal to be done yet. When a prisoner is committed, he is examined as thoroughly as possible by the warden, the reports warden, the chaplain, the schoolmaster and other officials to see what it is best to do with that man. You cannot altogether segregate them by ages, although ages have a good deal to do in regard to a change of condition. That work was instituted about a year and a half ago and is being carried on. It will be carried on and continued, and as our buildings afford us an opportunity it will be carried on to a larger extent than it is now.

I do not know if I need go into the various matters which I discussed in this committee a year ago as to cell accommodation and the [illegible]

Member for Southeast Grey, as is also every other member, is a [illegible] visitor of all penitentiaries whenever one has a desire to do so, and nothing would please us more than [illegible] disposition shown by Members [illegible] penitentiaries. [illegible] the kindness of the Minister in [illegible] I am not [illegible] all the time [illegible] Grey. [illegible] I am [illegible] only one report. The [illegible] Government [illegible] a visit to the [illegible] which is one in [illegible] and [illegible] Public Works [illegible] the [illegible] Minister [illegible] I do not know. Perhaps one had been [illegible] it [illegible] permit. But I would be inclined to think

Mr. Guthrie:

her judgment would be better in regard to the female prison than in regard to the male one. As regards a prison for make convicts I would rather have the judgment of men o f the world, bu that is neither here nor there. However when she went through this last prison I have spoken of, in one section of which we put the preferred or star class, I do not think this was drawn to her attention or at least she did not go through it. Had she done so, she would have been impressed by the great improvement that has taken place there.

After her visit there were a good many newspaper accounts, I suppose as a result of interviews,and she very stoutly condemned those nine cells which we call punishment cells, commonly called in the penitentiary the "hole." She also condemned all the cells; it was as reported in the newspapers, a general condemnation of the cells. Now we have had an examination of those cells and they measure up for capacity, light and cleanliness with any that are known in the world; they are larger than any on the North American continent. There were a few that were built I think about a hundred years ago that may be sixinches shorter than some buklt in the newest United States prisons last year, but cell for cell ours are larger than those of any other such institution.

Miss Macphail: As regards the cell block in St Vincent de Paul, you could not have much smaller than three and one-half feet by six.

Mr. Guthrie: I am talking of Kingston penitentiary at the present them. It was concerning that penitentiary the interview was given.

Miss Macphail: I visited both institutions.

Mr. Guthrie: There are nine punishment cells and they are used only for purposes of punishment. They will be found in all penal institutions, because we get prisoners that we cannot control otherwise than by putting them in a place by themselves. Those cells are

Mr. Guthrie:

Mr. President would be quite ready to say the family believe here in regard to the male one. As regards a prison for male convicts I would rather have the judgment of men o f the world, be that is neither here nor there. However when she went through this last prison I have spoken of, in one section of which we put the preferred = over there, I do not think this was known to her (Question of at least she did not go through it. Had she done so, she would have been impressed by the great improvement that has taken place there.

After her visit there were a good many newspaper accounts, I suppose as a result of interviews, and she very strongly condemned those nine cells which we call punishment cells, commonly called in the penitentiary the "hole." She also expressed all the notions it was as reported in the newspapers, a general condemnation of the cells. She was here last on Saturday of Young Smith and they wanted to for security. Light and cleanliness with air that are taken in the world may not be larger than in the Ontario Penitentiary. There were a few that were built I think about a hundred years ago that may be slightly smaller but most built in the present United States prisons last year, but all for cell cells are larger than those of and other men institutions.

Mr. Kennedy: As regards the cell block in my present in view, you could not have such modern improvements and essential that to his. Mr. Guthrie: Like cutting of Kingston penitentiary the present time. It was originally and considering the knowledge was there. Mr. Kennedy: I wished for institutions.

Mr. Guthrie: There are nine punishment cells and they are used only for instances of punishment. They will be found in all penal institutions, whether we get prisoners that be worse [illegible] elsewhere than in a place by themselves. Those cells are

Mr. Guthrie:

supplied with a stout oak door on the outside, so that if the prisoner becomes noisy, as they very often do, the door may be closed. It is stated in the interview as reported in the newspapers, that there is no air in those places; that ther are only tow or three holes in the oak door. Well, the attention of my hon. friend was not called to the fact that in every one of those cells there is a ventialtor above.

Miss Macphail: I am very sorry but they were called to my attention by the warden who said that they did not work.

Mr. Guthrie: Well, they worked when I was there and I was inclosed in one of those cells, as was also the Prime Minister, Under the door is a duct especially to provide air, and in the door there are three or four holes, an inch or an inch and a half in diameter, not very large, I admit. Those doors are closed only when we have noisy, obstreperous prisoners that cannot be controlled otherwise. I know in some places they advocate the gag for such prisoners. We do not, but we do what they do in Ontario reformatories --have strong doors to shut out the noise. Those doors are very seldom closed. The last time any one of them was closed on a prisoner was on May 6 of last year, and only for a few hours one night. We have to have some place where we can restrain men and keep them from disturbing the whole institution. I do not approve of the gag. I know it is adopted in prisons throughout the world, but the strong door as they have inin rformatories in Ontario is the only means I know of which we can utilize to maintain order and keep night from becoming hideous.

The whole buildings are open to the inspection of anyone who wants to come and see them. I only wish a larte deputation would go through them. I am sure the staff of the penitentiary would

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Mr. Dorsey:

equipped with a stout oak door on the outside, so that if the prisoner becomes noisy, as they very often do, the door may be closed. It is stated in the interview as reported in the memorandum that there is air in some minutes from one hole in the door or three holes in the oak door. Well, the attention of my men was called to the fact that in every one of these cells there is a ventilator above.

Miss Goodhart: I am very sorry but they were called to my attention by the warden who said that they did not work.

Mr. Dorsey: Well, they were there. I am there and I am informed on one of those cells, as was also the Prime Minister. There are three or four holes, an inch or an inch and a half in diameter, not very large, I admit. These doors are closed only when an injury, [illegible] otherwise. I know in some places they advocate the gas for such prisoners; so to me, not as it what may be in certain [illegible] have another door to shut out the noise. These doors are very seldom closed. The last time any one of them was closed on a prisoner was on May 6 of last year, and only for a few hours one night. We have to have some place where we can remove a man and keep from disturbing the whole institution. I do not approve of the gas. I know it is adopted in Pelham Penitentiary and the Ontario Jail as they have this [illegible] in Ontario in the only cases I know of which do the utility is nothing under and they differ from Dominion Jail.

The main difficulty has been in the investigation of cases where there is some and one there. I only wish a large department would be very much less. I am more the chief of the penitentiary would

Mr. Guthrie:

welcome this also, but of this I am confident: these prisons in Canada today are of a very high order. No prisons are like boarding houses or hotels or homes; they are not supposed to be. But the prisoners are well looked after; their privileges have been tremendously extended under the new superintendent, who deluges me with new suggestions every week. There has been a gradual general improvement throughout them all; ther may be others in the future, but I am satisfied that to-day they compare favourably with any prisons in the world.

Mr. Church: Before this vote passes I wish to bring before the committee a matter in regard to administration which I brought up on many occasions when I sat in opposition. I hope the minister will not take exception to my remarks, because there is nothing personal about them. In these discussions I doubt whether we appreciate the task that the Minister of Justice has to-day, with the distress prevailing in this county. I think the minister of that department has one of the heaviest burdens that is laid upon any minister. He must not think anything said by his supporters in the house is in the nature of criticism of him personally.

As chairman of the police commission of Toronto I was head of a police force for some seven years, and member of the city council for seventeen years. A few years ago when my good friend the hon. member for Quebec East (Mr. Lapointe) was Minister of Justice I brought to the attention of the house the matter of inspection of these institutions. There is something bigger involved in the cause and effect that the details that have been described by the hon. member for Southeast Grey (Miss Macphail). I believe however that in visiting these institutions she has done a great public duty. By the act the board of visitors consists of

welcome this also, but of this I am confident: these prisons in Canada today are of a very high order. The prisons are like boarding houses or hotels or homes; they are not supposed to be. But the prisoners are well looked after; their privileges have been tremendously extended under the new superintendent, who joins us with new suggestions every week. There has been a gradual general improvement throughout this land in the prisons, and I am satisfied that to-day they compare favourably with any prisons in the world.

Mr. Church: Before this vote passes I wish to bring before the committee a matter in dispute in parliamentary procedure by which I suffered in many occasions when I sat in opposition. I hope the minister will not take exception to my remarks, because there is nothing personal in them. I have observed, I doubt without intention, that the minister of justice has had the minister of finance and the minister of railways speaking in his stead. I think the minister of justice department has one of the heaviest burdens that a Jail upon any minister. He must not think anything said by his supporters in the house is the same as satisfactory but irrevocable.

As chairman of the police commission of Toronto I was head of a police force for some years. I was mayor of the city for seventeen years. A few years ago when my good friend the hon. member for Quebec East (Mr. Lapointe) was Minister of Justice I brought to the attention of the house the matter of imprisonment of young delinquents. There is something peculiar involved in the minor and major offences that are taken cognizance of by the law. Under the Government over (Hon. Mr. Meighen) I believe however that in dealing some legislation was put forward in a great public hurry. By the new Criminal Code of Canada we have

Mr. Church:

members of parliament and of the Senate and a few others, but as with the members of the board of the Canadian National Exhibition or any other large institution, only a few do the work. Whne is a visitor not a visitor in these institutions? When he is a member of parliament or of the Senate.

May I refer to a bill I had before the house a few years ago relating to the right of the grand jury to visit these institutions. The late Colonel Denison, one of the greatest magistrates of the empire, was constantly complaining of having to send youths of sixteen, seventeen and wighteen to these institutions. So was the police commission and one of our greatest police chiefs, the late Colonel Grasett, whose fatarh succeeded John Strachan in the administration of Toronto. That diocese has been taking up this work of social and prison reform. These officers were all of the opinion that some other institutions should be provided by this country for juvenile offenders and others of whom the hon. member for Southeast Grey has spoken. Just the other day a woman was hanged in the city of Montreal, in regard to which there was public protest, and as to the blame we had to pass the buck to the province, under this famous relic known as the British North America Act. The time has come in this country--had we had a longer session I should have brought in a bill to that effect--to do away with the hanging of women. We have had only tow or three in our recent history.

What we need is ome different form of inspection. In the bill I presented to the house in 1928 and 1930, I proposed that it be done by the grand jury, but the government of the day did not see fit to adopt it. A late chief justice of Ontario, Hon. R. M. Meredith, presiding at the Toronto assizes supported this bill in 1930. In my opinion the inspection is not satisfactory. He did not

[illegible]

[illegible]

[illegible] the members of the board of the Canadian National Exhibition or any other large institution, only a few do the work. When is a visitor not a visitor in these institutions? When he is a member of parliament or of the Senate.

[illegible] ago relating to the right of the grand jury to visit these institutions. The late Colonel Denison, one of the greatest magistrates of the empire, was constantly complaining of having to send youths of sixteen, seventeen and eighteen to those institutions. So was the [illegible] [illegible] [illegible] penal and prison reform. These officers were all of the opinion [illegible] [illegible] may has spoken. Just the other day a woman was hanged in the city of Montreal, in regard to which there was public protest, and as to [illegible] ically known as the British North America Act. The time has come in this country—had we had a longer session I should have brought in a bill to that effect—to do away with the hanging of women. We [illegible]

What we need is one different form of inspection. In the [illegible] by asking the grand jury, but the government of the day did not [illegible] A late chief justice of Ontario, Hon. R. M. [illegible] In my opinion the inspection is not satisfactory. [illegible]

Mr. Church:

believe they know what was going on in these institutions. I do not believe the inspectores know half what is going on; it is largely hearsay to them. This is what the late Chief Justice Meredith said regarding my bill, quoted by me at page 2760 of Hansard for 1930:

> Such inspection is in accord with that great principle in the administration of justice which for centuries has been applied and confirmed by Magna Charta, namely, that thepeople shall have a large share in the administration of justice in criminal cases.
>
> Whether penitentiariesare well or ill managed they are managed altogether by crown officers; and the management of them is thing of much importance in the administration of the criminal laws, so much that assuredly the people should be entitled to some means of learning for themselves what the crown officials are doing and how it is being done.
>
> The grand jury, representing the people of the judicial district, can most conveniently and at no cost perform for the people the duty of visitation.

Right after these views were expressed by the chief justice at the Toronto assizes he said that in Hamilton two sane men for several years were in the asylum, and in one case in York county girls were found without food and shelter in a dungeon below ground, this being punishment for some minor offence. These were the views of one of the ablest jurists in the province after forty years on the bench. In some counties there are five sitting sof the grand jury a year, and the chief justice suggested that inspection by the grand jury be made twice a year.

The leader of this party, who we are so glad to hear is recovering, supported this bill. He wanted to know what harm it would do. He believed that what the bill proposed was the practice in England. But the government of that day declined to accept it. I do not say it is the only method of inspection, but I would request the Minister of Justice to consider inspection by another board. Inspection by these visitors under the act to-day is a solemen farce. They do not inspect at all; they never visit; they do not know what

believe they knew what was going on in those institutions. I do not believe the inspectors know half what is going on; it is largely [illegible]

> Such inspection is in accord with that great principle in the administration of justice which for centuries has been applied and confirmed by Magna Charta, namely, that the people shall have a [illegible] in the administration of justice [illegible].
>
> Whether penitentiaries are well or ill managed they are managed altogether by crown officers; and the management of them is [illegible] of much importance in the administration of the criminal laws, so much that assuredly the people should be entitled to some [illegible]
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[illegible] he believed that what the bill proposed was the practice in England. [illegible]

Mr. Church:

is going on. I admit that the hon. member for Marquette, (Mr. Mullins) visted Kingston penitentiary; he is always to the fore in trying to see for himself conditions as they are. My suggestion is that the chief justice and the court of appeal of each of the provinces should appoint a board of visitors for those various institutions in every province of Canada. Then we would have some independent body and report in each province and know whether we are getting value for the money. I do not believe the Conservative party should be put in the position of defending and justifying and apologizing for conditions as they are to-day, because I believe that in respect to not only these social questions but others the day of laissez-faire is gone forever in this country. The people are sick of talk; they want action. As I said the other day, the two old parties must open their ranks to men of new ideas and bring such men in. Law reform to-day in England in the civil and criminal courts of that great land is a most important question, and they have accomplished a great deal. We are talking about sending a deputation or officials to England to look into the borstal system. Law reform and parliamentary and constitutional reform is the most important problem involved in the administration of this vote, amounting to $2,800,000.

A matter in connection with one of these institutions was brought up by an hon. gentleman when I was in the house before. He brought in a resolution condemning these institutions on the ground of their being contrary to all known laws of hygiene, and I believe they are subject to condemnation on that ground. A former health officer in Toronto, Doctor Hastings, condemned thes places. Up to a few years ago, before this government took office, in connection with one of these institutions there was a farm of about six hundred acres which was hardly worked at all, while the men were kept

Mr. Church:

indoors without recreation. I commend the Minister of Justice because he and his officials have made a great many improvements. The late government turned a deaf ear to all these proposals, but the present Minister of Justice has effected many improvements all along the line in the conduct of his department, and adopted many h humane methods. But I wish to take this opportunity of protesting against sending young offender to thes institutions. Just last Thursday in Halifax Mr. Justice W. L. Hall, I think it was, had to send a boy to afederal institution in Nova Scotia. Why? Because, he said, no provision is made by the province to take care of such cases.

I have return here of June 24, 1925, brought down by the former Minister of Justice (Mr. Lapointe) in response to my question as to--

1. Number of juveniles under eighteen now detained in the penitentiaries of Canada, where and how many sixteen or under, seventeen, eighteen and nineteen years of age?

2. Whether it is the intention of the government to give effect to the recommendations for years of grand juries and public bodies to provide sepa rate institutions for these cases; if not, why?

3. Whether it is the intention of the government to so re-adjust the rules of these institutions so that juveniles and first offenders will have preferential rules and also a better classification consideration to those of repeaters?

4. Whether it is the intention of the government in the recess of parliament to appoint a royal commission or committee of the house to go into the whole question of prison reform in Canada as suggested in the debates in Hansard, 1922; if not, why not?

Following that return, however, no action was taken by the preceding government. It was found that there were sixty-four offenders of this type in all Canada' federal institutions. I believe provision should be made for the families of these inmates. What is being done in that regard? I admit that the financial situation is not what we would like it to be, but should the women and children

because he and his officials have made a great many improvements. The late government turned a deaf ear to all these proposals, but the present Minister of Justice has effected many improvements all along the line in the conduct of his department, and adopted many p[illegible] reforms, which is very commendable and praiseworthy. [illegible] against young people offender to these institutions. Just last Wednesday in Halifax Mr. Justice W. L. Bell, I think it was, had to send a boy to a federal institution in New Brunswick. Why? Because, as said, no provision is made by the province to take care of such cases.

I have before me of June 5, 1923, brought down by the Premier Minister of Justice (Mr. Lapointe) in response to my question [illegible]—

1. Number of juveniles under eighteen now detained in the penitentiaries of Canada, young and but very slightly or under, seventeen, eighteen and nineteen years of age?

[illegible] to the recommendations for years of grand juries and public [illegible] to provide some more institutions for these cases; if not, why?

2. Whether it is the intention of the government to so re-adjust the roles of these institutions so that juveniles and first offenders will have preferential rules and also a better classification [illegible] to those of repeaters?

3. Whether it is the intention of the government in the [illegible] to appoint a royal commission or committee of the house to go into the whole question of [illegible] in Canada [illegible]

Believing that [illegible] we [illegible] recommendation. [illegible] different [illegible] in all Canada' federal institutions. I believe provision should be made in the criminal code, [illegible] being done in that regard? I admit that the financial situation is [illegible] it is to be, but should the women and children

Mr. Church:

suffer? In my own riding I have an institution of this description; it is a relic of the oxcart days, and I am sorry something has not been done not only in regard to these federal institutions but also in regard to those maintained by the municipalities and provinces, many of which have been condemned by grand juries.

I should like to refer also to wardens' courts, which are in my opinion absolutely illegal. The asault and better which takes place during these courts is absolutely unlawful. I am supported in that opinion by the eminent authority who wrote The New Despotism, Lord Hewart of Bury. At page 107 of his book he refers to the powers of judges and to the independence of the judiciary of England being interfered with by acts of parliament which give the executive the right and power to make rules and regualtions with the authority of of statutes and which are even beyond the scope of parliament itself to pass. I hope the day is not far distant when this matter may be referred for the opinion of the Supreme Court of Canada. I say it is absolutely illegal to impose the penalties th t are imposed by these star chambers called wardens' courts, with no authority at all except a telephon call to Ottawa. I should like to read what Lord Hewart has to say of those rules and regulations having the effect of statutes and removing the liberty of the subject from the protection of the law courts:

> But, vital as the independence of judges has always been, there never was a time when it was more manifestly important than in these latter days, when the effect of so much that the executive does or permits is to render it difficult for the c urts to maintain the rights of the individual.

Then he goes on to condemn these acts which give the governor in council power to make these regulations.

Another matter which ought to be considered is the choice of officials. There is not a trained man in the whole department;

Mr. Church:

they just train themselves by experience. I remember that when the late chief of police of Toronto Colonel Grasett was retired it was suggested that we should bring in an outsider, a military man as head of the department. In my opinion a military man is the last man who should be chosen to administer a police department; it is not the proper place for a man with military training. The present head, General Drummond was a good soldier; he is a perfect gentleman and I have the utmost confidence in him. I have not the pleasure of his acquaintance, but I know the high regard in which he is held by all those who know anything about him. I would point out, however, that when we considered filling the position of chief of police of Toronto Sir John Eaton and representatives of the board of trade appeared before the commission. I suggest to Sir John Eaton that a man could not learn Eaton's business in a day, and I said that a man could not learn the police business or be superintendent of penitentiaries in a day. Still men are brought into this department without having received any training at all.

They are trained by their experience from day to day; they start off knowing nothing about it, and as days go by they try to learn about their duties. I believe something should be done to create some system such as they have in England by which proper types of officers of all ranks are trained for this work, which is most important. I sympathize with the minister sometimes in the criticisms that are made against his department, as he has effected many important reforms. The Conservative party are the authors of all prison reform in Ontario at Guelph reformatory and Mimico farm, which reform was one of the chief glories of Conservative policy under Sir James Whitney and Hon. W. J. Hanna, Provincial secretary. I do not ~~pleed~~ know anything about the details but I do plead with

Mr. Church:

the committee to give some consideration to thes youthful offenders, I have before me an article written by Magistrat Jones of Toronto with regard to the Borstal system which is endorsed by the following, among other:

The Primate, Church of England in Canada.
The Moderator of the United Church of Canada.
The General Assembly of the Presbyterian Church in Canada.
The Salavation Army in Canada.
The Church Army in Canada (Anglican).
The Director of Catholic Charities.
The Catholic Big Brothers.
The Protestant Big Brothers.
The Jewish Big Brothers.
The Catholic Big Sisters.
The Protestant Big Sisters.
The Jewish Big Sisters.
Judge H.S. Mott, juvenile court, Toronto.
Four judges of the county of York.
The magistrates of the city of Toronto.
The crown attorneys of the city of Toronto.

These are all asking this parliament to do something with regard to the Borstal system. The senior magistrat of Toronto, Mr. Jones, has written me many letters in this connection, and I promised to bring the matter to the attention of the house. I should like to read one paragraph from the article:

This expression "Borstal system" has no statutory origin. It is a colloqtial expression, adopted becsuse the first "school" established under the Prevention of Crimes Act, 1908, was built at a place called Borstal.

What is this sytem which has been in operation in England for many years? It has four features, first, education and lectures; second, trade instruction, third, regular gymnastics and drill: fourth, a scheme of rewards. This scheme in its entirety is upported by the various public men and public organizations I have indicated. In the speech from the throne I find this statement:

My government has under consideration the adoption, throughout the penitentiaries of Canada, of a system similar to that which is known in England as the Borstal system and is making investigatiions as to its operations.

Under that system I believe it is possible to reclaim

the committee to give some consideration to the youthful offender.

I have before me an article written by Constant Jones of Toronto with regard to the Borstal system which is endorsed by the following, among others:

The Primate, Church of England in Canada.
The Moderator of the United Church of Canada.
The Director of Catholic Charities.
The Jewish Big Brothers.
The Catholic Big Sisters.
The Jewish Big Sisters.
Four Judges of the county of York.
The crown attorney of the city of Toronto.

Their attention has been directed to the Borstal system. The senior magistrate of Toronto, Mr. Jones, has written me many letters in this connection, and I propose to bring the matter to the attention of the house. I should like to read one paragraph from the article:

This suggests the "Borstal system" has an substantial advantage over the system of Glass Lay, which, we will at once conclude borstal.

What is this system which has been in operation in England for many years? It has four features. First, conversion and instruction, secondly, [illegible] and [illegible] and thirdly, [illegible] by a system of rewards. This scheme in its entirety is supported by [illegible] I have [illegible].

In the system from the [illegible] I find this recommendation:

By [illegible] and [illegible] [illegible], [illegible] and the [illegible] of [illegible], of a [illegible] [illegible] [illegible] [illegible] as an [illegible] [illegible] [illegible] as an [illegible] [illegible].

Under that system I believe it is possible to [illegible]

Mr. Church:

seventy-five to eighty per cent of our youthful offenders. We all know what the Red Cross did in rescue work during the war in prevention work, and I believe the same thing can be done in peace time to-day in connection with this problem which is one of the most important problems with which this parliament has to deal.

Another matter to which I should like to refer is the way Magna Charta has been violated, in that we have imprisonment for debt in this country. I should like to refer also to the way these young offenders who escape are treated. Can you blame them for escaping from these institutions? In their youthful enthusiasm they get free fro an hour or two, and when they are recaptured they are sent to these other institutions which are not prepared to receive them. Where do these young men come from? They come from some of the finest homes in this country, because they cannot get jobs. I agee with some of the things said the other night by the hon. member for Brome-Missisquoi (Mr. Pickle), though I disagree with three-quarters of what he said. You cannot blame the younger generation for this problem, just as you cannot blame them for the railway problem, the Beauharnois deal or the British North America Act. Most of the juvenile crime in this country results from the fact that these young men are living in a jobless age, and instead of staying around home and sponging on their fathers they strike out for themselves. They ride the rods to the coast, perhaps; they are locked up in some gaol, and when they escape for a day they are sent to these federal institutions. I am surprised at the judges and magistrates who send these young men to prison for escaping while serving a ten days' sentence totwo years in circumstances such as these. I think there should be a very liberal policy of clemency followed in all these cases. I believe that about forty per cent of the juvenile

Mr. Church:

inmates of penitentiaries could be sent home without doing any harm to anyone or any public interest especially the first offender.

I should like to refer for a moment also to the indeterminate sentences so often imposed. I think these sentences should not be permitted. Chief Justice Meredith attacked these sentences of two years determinate plus two years indeterminate; he said he believed that act was ultra vires and should be repealed as two years was the limit they had, and I do not think that act is in the best interests of the people of this country. We must expect some criticism. It is often said that those who criticize the system at all are attering sob stuff, but that is not so. As Tennyson said:

> Our little systems have their day;
> They have their day dn cease to be:
> They are but broken lights of thee,
> And thou, O Lord, art more than they.

I believe the time has come for prison reform, all along the line. As I said a few days ago, low wages in Canada have been the cause of many crimes. These people have been reduced through poor living and as a result crime ahs been forced upon society. Child labour has had the same result. Many children who should be at school are working in factories, and records indicate that most of the young offenders have been under-privileged children who have come from poverty-stricken homes. These young people have never had a chance, and from birth have been under-nourished and handicapped.

Social workers, police and railroad men assert their belief that the overwhelming majority of these young man and boys are "on the road" because there is nothing else to do. Sometimes they are there because pride will not permit them to sit idle at home, sometimes because support for the whole family has come from a

Mr. Church:

relief agency and has been wholly inadequate properly to feed the younger children. Evidence has been conclusive that these people are not of the hobo or criminal type. What is happening to these unfortuante youths is most distressing. Accustomed to decent standards of living these people go for days without taking off their clothes to sleep at nights. Through this manner of living they become dirty and unkempt. In winter they suffer from exposure and hardship. The number of wandering families, unattached men and women and boys and girls vastly exceeds that of former years and the make-up of these groups has changed rdically.

The tradiditional single transient in earlier years was was the seasonal laborer, the knight of the road, and the occasional run-away boy or adventurous youth. To-day young man and boys who would normally be at work or in school predominate in this migratory army. Men and boys swarm on every freight train in such numbers that the railway polic are helpless to keep them off.

I know the minister to be a warm-hearted man, one who is most sympathetic, and would urge that he consider this matter. Without sending a depitation to England to study the Borstal system we should include a vote in the supplementary estimates for the purpose of beginning this particular work. These ladies and gentlemen of church and state who signed the recommendation I read before are not asking for any sentimental or soft treatment, but are only asking that we follow the motherland, where all great social reforms originate.

I am not familiar with the details to which the hon. lady member for Southeast Grey has referred, but I will say that a few years ago, in company with two celebrated men, I visited one of these institutions, and after viewing it I came to the conclusion I must

Mr. Church:

be living in the stone age. I saw what was going on. I am of the opinion, as are many other people, that something should be done. The city of Toronto pioneered in this work. One superintendent, Rev. Mr. Findlay, a most estiable gentleman, did admirable work at our jail farm. We know that the Conservative party originated these prison reforms, and tried to do something for the rising generation. To understand the situation thoroughly we must understand casuses and effects,and in my view the time is not far distant when something will have to be done.

To my mind the condition is most unsatisfactory whne we find it possible to spend millions and millions of dollars to operate our railways and do not see our way clear to spend a small sum to make more bearable the lives of some of our unfortunate citizens, many of whom are in misfortune because of economic conditions and becasue of the fact that they could not get work. We have a vote of about $2,000,000 for the health of animals, but when it comes to voting a small sum in the present instance to take care of people under twenty years of age we think it necessary to send a deputation. When the deputation goes to England I hope it will take time to extend its trip and visit the mythical League of Nations. In that event upon their return we might have some support for the Borstal system. I believe it would be too bad to have to wait another year before doing anything in a practical way towards adopting what these gentlemen of state and church have suggested.

Mr. Guthrie: May I say to the hon. member that grand juries are entitled to visit penitentiaries, and as a matter of fact do visit them. The regualtion to which reference has been made was passed on the recommendation of the present superintendent. For a number of years wardens' courts were thoroughly objectionable. The prisoner could be asked for a statement without the complainant being produced

and effects, and in my view that is not the relative thing that-
thing will have to be done.

To my mind the question is very unnecessary when it
find it possible to spend millions and millions of dollars to
operate our railways and do not see our way clear to spend a small
sum on roads here towards the flow of some of our activities
elsewhere, many of which are in satisfactory condition at considerable
saving to the people of the land that they could not get back.
Here a sum relatively insignificant, for the benefit of thousands, and
when it comes to voting a small sum in the present instance to bring
work of people under twenty years of age we think it necessary to
give a speech-long. The Opposition gave the Minister credit for
will that also to bring his bill for vigor his national energy-
dations. In that event upon their return we might have some support
for the Bonafed system. I believe it would be too bad to have to
wait another year before being employed in a beneficial way towards
supplying some that deficiency of service and already have enlightened
Mr. Speaker, may I ask to be then, because also PAGE DRIVE BY
applied in VERY CONSIDERATION, and as a matter of fact Mr. Speaker
sense. The principle in which determines the land and the people
of the Mackenzie at the present time. For a month
or year-round, people have been waiting patiently. The military

Mr. Guthrie:

before him. The present warden however has made a regulation whereby the complainant must be in the presence of the prisoner, and the evidence of both persons must be taken in connection with a breach of prison rules or discipline. That plan has been in force at least for two or three years.

In connection with the Borstal system my I state it is not proposed to send a commission to England. I have had many requests from estimable peopleasking me to send them on a commission to England. The document read by the hon. member contains the names of some of them. These people are deeply interested in prison work. It is proposed however to send only one man to look into the matter and that man will furnish a report in three or four weeks.

Then, reference has been made to Lord Hewart's book. I do not know that I need go into the reference. It would appear however that the hon. member condemns military appointments in prisons. Our act provides they shall have preference and must be considered first. In all large prisons in England military men are selected to hold positions as wardens.

Mr. Bell (Hamilton): Mr. Chairman, whatever opinions may be entertained by hon. members regarding the value of the arguments which have been put forward in support of varying points of view, I feel that there are at least two things in connection with which all hon. members are entirely in accord. The first and perhaps more obvious is that those who have spoken on this item are entirely right when they refer to it as a matter of the very utmost importance to all the people of Canada. There is no hon. gentleman sitting in this chamber who has not resting upon him the responsibility of representing as fairly and as intelligently as he can the views of his own constituency in regard to this matter of very grave importance. It is but a truism to recall the words of one of the greatest

Mr. Guthrie:

prison life. The general method somewhat has been a tribunal wherein the complainant must be in the presence of the prisoner, and the evidence of both persons must be taken in connection with a breach of prison rules or discipline. That plan has been in force at least for some years.

In connection with the General system my I state it is not proposed to send a commission to England. I have had many requests from estimable people asking me to send them on a commission to England. The document read by the hon. member concerning the names of some of them. These should not strongly recommended by members. It is proposed however to send Sir James Lougheed, Sir Lomer Gouin and Sir Wm. Hearst to England in place of those names.

Then, referring to the Yukon, I am not sure, I may have stated I need go into the preference. It could appear that the hon. member condemns military appointments in prisons. But not provided they shall have preference and must be considered first. In all large prisons in England military men are selected to hold positions as wardens.

Mr. Bell (Hamilton): Mr. Chairman, whatever opinions may be entertained by hon. members regarding the value of the arguments which have been put forward in support of varying points of view, I think most people will be inclined to agree with me that all these measures are solely in account. The first and most more obvious is that those who have spoken on this item are entirely right when they refer to it as a matter of the very utmost importance to all the people of Canada. There is no hon. gentleman sitting in this chamber who has not resting upon him the responsibility of representing as fairly and as intelligently as he can the views of his constituency in regard to this matter of very grave importance. It is not, perhaps, in regard to one of the greatest

reformers that the British empire has ever known, the immortal Dickens, who said that there was no activity which could be carried on in commmercial or family life that was not affected by the way in which the community as a whole elected to treat the criminal class. One must realize that this matter in respect to which the hon. member for Southeast Grey (Miss Macphail) is so wholeheartedly in earnest is of consequence to every hon. member and to all the constituents of those members.

Another thin which seems to me to be entirely clear is the fact that the hon. member herself is so sincere and so anxious to do that which may be or real good. We would be less than fair if we failed to recognize these facts and applaud her for her stand. During the course of this discussion it has been suggested that perhaps her very wholeheartedness and her great womanly sympathy for some of those whom she has seen incarcerated in Kingston penitentiary, and perhaps in St. Vincent de Paul, has affected her to the extent of leaving her with not quite the fullest capacity to judge the situation. I can welll believe that when it comes from the lips of the Minister of Justice (Mr. Guthrie); I can well believe it when I recall something which came to my own notice during a visit to Kingston penitentiary in order to acquaint myself with conditions there. It was said of the hon. member for Southeast Grey that she climbed the long stair which led to the Protestant and Roman Catholic chapels at a time when the prison choir in the Protestant chapel was engaged in practising the hymns for the next Sunday's service, As she entered, the hymn being practised was, "The day thou gavest Lord is ended." It is said that the members of the choir took one look at the hon. member for Southeast Grey and immediately abandoned the practising of that hymn and burst into the strains of "Abide with me."

Mr. Hall:

statement that the British empire has ever known, the immortal Nelson, who said that there was no activity which could be carried on in commercial or family life that was not affected by the way in which its members in a single degree or even the smallest class. One must realize that this matter in respect to which the hon. member for Bellevue here (Mrs. Cooper) is so wholeheartedly in earnest is of a consequence to every hon. member and to all the institutions in this country.

Another thing which seems to me to be entirely clear is the fact that the hon. member herself is so sincere and so anxious to do what she may be or feel right. It should be borne this if we failed to recognize these facts and applaud her for her stand. During the course of this discussion it has been suggested that perhaps her misunderstanding and her great sympathy for some of those when she has seen incarcerated in Kingston penitentiary, and perhaps in St. Vincent de Paul, has affected her to the extent of leaving her with not quite the fullest capacity to judge the situation. I can well believe that when it comes to the "Lamire of Lucia Ide. Nevertheless I can well believe it when I recall something which came to my own notice during a visit to Kingston penitentiary in order to acquaint myself with conditions there. It was said at the time, member for Bellevue, that the children of the long stair which led to the Protestant and Roman Catholic chapels at a time when the prison choir in the Protestant chapel was engaged in practising the hymns for the next Sunday's service. As she entered, the hymn ended, "Yes, but that great land is ended." It is said that the members of the choir took one look at the man, member for Bellevue Grey and immediately abandoned the practising of that hymn and began into the strains of "Abide with me"

Mr. Bell:

We can therfore realize the universal appeal which the hon. lady has for those in whom she takes an interest.

She told this committee this afternoon that there was something essentially wrong ith our penitentiary system because, to use her own words, there had been demonstrations. riots and, I belive, fires in the various penal institutions. I take it that she has had to rely for her information, as all of us would under similar circumstances, upon three things. First, she had to rely upon her personal inspection of the premisse. Second, she had to rely upon what she could learn from conversation with those who were or had been incarcerated in the penitentiary. Third, she had to rely upon those things which might come to her notice by way of correspondence or, as we have heard, in the case of one man whose case she espoused, by way of an alleged affidavit. Let us consider briefly the effect of those things and the value or weight which can be attached to them.

Miss Macphail: I am sorry to correct the hon. member. The list I gave of fires, demonstrations and riots was not obtained from the sources of information he has mentioned; it came from the reports of the penitentiary officials. He might read them for himself.

Mr. Bell: I am certainly obliged for the gracious permission. It occurred to me that the hon. member had relied to a certain extent upon her inspection of the premises and upon what had been said by those incarcerated there, as well as what had been committed to writing by some one or more of them. If indeed she now informs this committee that she relied upon none of these sources of information, then our task of dealing with what she now proposes is infinitely easier. Perhaps she would like to reply to that. I pass on.

Miss Macphail: Maybe I had better reply now.

Mr. Hall:

We can therefore realize the universal appeal which the hon. lady has for those in whom she takes an interest.

She told this committee this afternoon that there was something essentially wrong with our penitentiary system, because, perhaps her own word, there had been overcrowding, which she believe, there in the various penal institutions. I take it that she has had to rely for her information, as all of us would under similar circumstances, upon those things. First, she had to rely upon what she could learn from conversation with those who were or had been incarcerated in the penitentiary. Then, she had to rely upon those things which might come to her notice by way of correspondence or, as we have heard, in the case of one man whose mail she espoused, by way of an alleged affidavit. Let us consider briefly the effect of those things and the value or weight which has to attach to them.

Miss Macphail: I am sorry to correct the hon. member. The list I have in Ottawa, documentation which was all obtained from the sources of information he has mentioned; it came from the reports of the penitentiary officials. I have that from the officials.

Mr. Hall: I am certainly obliged for the previous pronunciation. It appears to me that the hon. member had relied to a certain extent upon her interpretation of the promises and upon what had been said in those interrogatories. Mr. Speaker, we will all of what had been committed to writing by officials in more or less. I indeed also now informs this committee that she relied upon some of these sources of information, from her own or dealing with what she now proposes in initially matter. Perhaps she would like to reply to that. I cede on.

Miss Macphail: Never I had better reply say.

Mr. Bell (Hamilton): I am grateful.

Miss Macphail: I should like to relieve the hon. member's mind about the hymn singing. There was no one singing hymns of any sort when I visited the penitentiary on two occasions.

Mr. Bell: Perhaps they only said "Abide with me," without singing it.

Miss Macphail: There was no one there to say it.

Mr. Bell: Coming to the various sources of information, I am sure the lady member will pardon me for thinking that there were at least reasonable sources of which she might have availed herself. Coming to the possible sources of information which I have alluded to, the reason why I specified them just now as that her statement this afternoon, if I took it down correctly, and I hope I did, was that there must be something wrong with a system that produces such things. There is a gap. When hon. gentlemen are now considering whether or not the request for the appointment of a commission of inquiry shall depend on the determination of whether the alleged conditions have produced these results, how is that gap to be filled? It can be filled only in the event of ther being available human knowledge in regard to conditions in other institutions which eliminates the possibility of any other explanation, and that is all. My hon. friend from Southeast Grey has said--and I shall be glad to be corrected if I am in error--that there was a very serious charge laid by a man named Hall, regarding whose alleged statement under oath we heard from the Minister of Justice this afternoon. I take it that that did not come out of a report of any prison commissioner. I take it that when the hon. lady relied on that statement--and I am sure she must have, because undoubtedly she acted in good faith--that was something which came to her wither as a matter of correspondence or as an alleged affidavit; and when we are considering what value or importance is to be attached to that, we cannot fail to remember that with all these good, splendid intentions that she

April 4, 1938, cont'd.

Mr. Hall (continued): I am pleased.

Miss Macphail: I should like to believe the hon. member's and every the hon. minister. Since one can see [illegible] I should like the possibility of the contradiction.

Mr. Hall: Perhaps they only said "Abide with me," without singing it.

Miss Macphail: There was no one there to say it.

Mr. Hall: Coming to the very on sources of information, I am sure the lady member will pardon me for thinking that there were at least reasonable sources of which are [illegible] generally. [illegible] to the possibility [illegible] which I have [illegible] the reason why I specified them just now as that her statement [illegible] February, if I [illegible] correct, [illegible] I did, was that there must be something wrong with a system that produces such things. There is a gap. When hon. gentlemen are now considering [illegible] inquiry shall depend on the determination of whether the alleged conditions have produced these results, how is that gap to be filled? It can be filled only in the event of their being available [illegible] knowledge in regard to conditions in other institutions which eliminates the possibility of any other explanation, and that is all. [illegible] friend from Southeast Grey has said--and I shall be glad to be corrected if I am in error--that there was a very serious charge made by a man named Hall, regarding whose alleged statement under oath we heard from the Minister of Justice this afternoon. I take it that that did not come out of a report of any prison commissioner. I take it that when the hon. lady pulled up that statement--if I am [illegible] she must have, because undoubtedly she looked in good faith [illegible] that any statement which came to her either as a matter of correspondence or as an alleged affidavit and which we are considering [illegible] value or importance in so serious an inquiry, we should feel

Mr. Bell:

has for prison reform and for the amelioration of the lot of those who are unhappily confined, she has not been, to put it a little roughly a very good picker; because the Minister of Justice reminded us this afternoon that one on whom she had placed reliance before, had proved to almost the least entitled to reliance of those unhappy prisoners incarcerated behind the walls in Kingston. Then again we find what happened in connection with the man Hall. The trouble, I think is that, in spite of an earnest, sincere sympathetic--

Miss Macphail: Cut out the cant.

Mr. Bell: trusting nature such as hers, and, in view of her interruption, I may add her sweet femininity, one of her difficulties seems to be a lack of appreciation of the bona fides of those with whom she may come in contact under these conditions. She is not original in that regard; we have all known many learned judges who failed to size up at a glance, or more than one glance, those who testified before them. But there is one thing which apparently eludes many people, amongst them the hon. member for Southeast Grey, and that is the sincerity or want of sincerity with which information imparted to them is given. In other words, when she gets this information she takes it at its face value; but the convict who imparts it may have, and very often does have, an entirely different idea in his mind. It reminds one of the story of the chaplain who some years ago visited Dannemora, the tough prison of New York state. This chaplain felt that he had it within himself to reform even the hardest and toughest of prisoners. He was willing to meet them half way and expected, regardless of what the conditions might be, that they would respond; and when he was told that there was one man who had been sent there from another penitentiary because he was, in the vernacular, so tough that on one could reach him, this chaplain said--and he was not the only chaplain-- "Let me have a try."

M. Bell:

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M. Bell: trusting nature such as hers, and, in view of her interruption, I may add her sweet femininity, one of her difficulties seems to be a lack of appreciation of the bona fides of those [illegible] not original in that regard; we have all known many learned judges who failed to size up at a glance, or more than one glance, those who testified before them. But there is one thing which apparently eludes many people, amongst them the hon. member for Southeast Grey, [illegible] imparted to them is given. In other words, when she gets this information she takes it at its face value; but the convict who [illegible] this captain felt that he had it within himself to reform even the [illegible] that they would [illegible] an who had been sent there from another penitentiary because he was, in the vernacular, so [illegible] that no one could reach him, this

Mr. Bell:

And so he inquired as to the antecedents of this particularly hard prisoner. He was told that the man was what is popularly known as a firebug, a man who lives on the proceeds of incendiariesm. The prisoner was brought to him and he looked his part, but the chaplain was not discouraged. He made his way to the prisoner's cell and there sat down. The prisoner sat on a stool and turned his back to the chaplain. The chaplain opened his bible and read the wonderful story of the occasion when Elijah ascended to heaven in a fiery chariot and dropped his mantle, which Elisha picked up. At first the prisoner was disrespectful, but after a few moments of the recital he displayed an entirely different attitude and immediately the chaplain was impressed. The man had turned his back on him at first but now he looked over his shoulder, and as the story went on he turned his face and listened intently, and finally, when the chaplain got through, the man said, "Boss, that is great; could I hear that again?" The chaplain said to himself, "There, you see, it is just a question of knowing how to reach them." And so he read the story again, and if possible got more rapt attention, than before; in fact, before he had concluded, the prisoner had drawn his stool a little closer. When he got through, he said: "Boss, I do not want to impose upon you, Could I hear that just once again?" The chaplain said: "My poor fellow, I understand new; you have never been approached in the proper way before, but it is a wonderful story, isn't it?" The prisoner replied: "Ah, yes, sir. The story is good enough as far as she goes, but," he said, "I have been in stir now for years and years, and I ain't had a whiff of such good old Scotch for at least seven years." So the spirit in which the respnse came was perhaps just a little different from that upon which the narrator had dependedn, and we may reasonably conclude that in those stories told to the hon. member for Southeast Grey the

prisoner did not have in mind exactly what she thought he was trying to convey. Therefore I do not think this committee need worry very long about the extent to which the stories, the would-be affidavits, or thing of that kind have established anything of which this committee must take serious notice.

I said that it was my experience to do as was done by the hon. member. I visited the Kingston penitentiary and went through that institution from cellar to garret as she did. I must confess that I found something that I think is a very serious deficiency there, and that I intend to speak of frankly in this chamber. But before I pass on, let me deal first of all very briefly with the suggestion that conditi ns create riots. It has been said in the first place that there have been serious riots induced in regard to the food supply. That has not been the situation in Kingston. When I say that to the committee, I am dealing not with reports of prison superintendents, not with reports of what I learned by an unanounced visit to that institution, but with what I have learned from prisoners who have been discharged and who, having been discharged, have come to me for help because they knew they would be received in a kindly spirit and their confidences would not be abused. One point that has been emphatically stated by every man that I have ever come across who has been in that unfortuante position, has been that those people have not suffered through any deficiency in the food supplied to them. Hon. members may think that is not a very important matter, but I have under my hand the report of the commissioner who investigated the Dartmouth prison riot in 1932, and without taking up in dealing with that matter more time that I can spare, and referring only to pages 18 and 19 of that report, I notice that the terrible disturbances and the fire which caused the

loss of many lives were due entirely to complaints about the food supply. Therefore those matters may very well of themselves by a cause for riotings, demonstrations and fires which the hon. member for Southeast Grey has spoken. But at least they did not exist in Kingston penitentiary.

One need not waste time on the question of cleanliness. One visit to the institution and an observation of conditions there as invited by the Minister of Justice not once but twice this afternoon, would convince anyone interested as to what the situation was in that regard.

The hon. member for Southeast Grey abs said that the riots in I think it was the fall of 1932--and they were serious; they came almost on top of the appointment of General Ormond--were occasioned by the prohibition of softball playing. I want to assure hon. members that to my knowledge that is true. When I visited Kingston penitentiary last October, I observed that the inmates were palying softball. The men who, having been discharged from Kingston penitentiary, have come to me from time to time after their experience there, have told me in a way there is not any reason to doubt, that was what provoked the riot which occurred. In that connection we might very well adopt the system that has been inaugurated by Warden Lawes of Sing Sing penitentiary. With twenty-five hundred men in that institution he has established this system and he never deviates from it; men are in prison because of serious offences committed against the law; they are not in prison as inmates of a club, but they may have their condition much ameliorated providing they show themselves worthy. In Sing Sing they have a football team, a band, a baseball team; they have even flower gardens that the men tend, with the idea that it is much better to

Mr. Hall:

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offences committed against the law; they are not in prison as
inmates of a club. All they have their own [illegible]
[illegible] football team, a band, a baseball team; they have even flower
[illegible] men band, with the idea that it is much better to

Mr. Bell:

have him thinking black thoughts while locked up in a cell. Personally I believe that is right. Those are the conditions there and they might well be adopted in this country; that is, that as long as the conduct of the various individuals who comprise the inmates is beyond reproach or complaint, they are to be accorded all those privileges, and just as soon as they show themselves unworthy of them, those privileges will be withdrawn. The great trouble about that Kingston outbreak in 1932 was the fact that the inmates of Kingston penitentiary came to regard what had been accorded to them as a privilege, as an inalienable right, and when it was taken away from them they sought by violence to assert that right again. That is not conjecture; that is not anybody's affidavit; that is what I have from the mouth of man after man who was there and who knows conditions in a way that cannot be disputed.

As regards punishment, I have never heard that any punishment, corporal or toherwise, has ever induced revolt. I am one of thos who do not believe in the efficacy of flogging; I do not believe in it because I think it has an extremely brutalizing effect. I do not think you will ever improve the lot of men incarcerated in prison by flogging them on slight provocation like a lot of beasts. I do not believe in lashes that are ordered to be inflicted on men convicted of crimes of violence; I think there are other and better ways of dealing with them. But I do believe thay you should not do away entirely with the possiblity of corporal punishment, because there are certain men who can be reached in no other way. It is a matter of internal administration, not something that you can make of general policy.

There has been a great deal written in the public press, perhaps not quite correctly, about what has been called the "hole."

Mr. Bell:

Have you thought that thought still burned in a cell, [illegible] ally I believe that is right. Those are the conditions there and they might well be adopted in this country; that is, that as long as the conduct of the prisoner justifies, [illegible] there reproach or complaint, they are to be accorded all those privileges, and just as soon as they show themselves unworthy of them, those privileges will be withdrawn. [illegible] Kingston outcrest in 1866 was the fact that the number of sinnation penitentiary came to regard what had been accorded to them as a privilege, as an inalienable right, and [illegible] it had [illegible] them they sought by violence to assert that right [illegible]. That is not satisfactory, that is not anybody's affidavit, that is [illegible] from the mouth of men either man who was there and who knows conditions in a way that cannot be disputed.

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There has been a great deal written in the public press, perhaps not quite correctly, about what has been called the "brain

Mr. Bell:

The Minister of Justice described it this afternoon. I went through it. Do you know what it is? There is a small corridor, lighted by an electric light opposite each cell. The place is like quarters that a janitor would occupy in a good apartment building. But it has those cells on one side. It is true that if a man is put inside one of those cells and yells and howls and makes an infernal nuisance of himself, the door is shut on him. Well, if he wants to act like a baby why not treat him like a baby? Little Willie goes to work and raises cain around the house, his mother spanks him and puts him in the cupboard and says, "You will come wout when you are a good boy." It is nothing more than that as far as the hole is concerned. It is clean, sanitary andproperly looked after, and unless the warden was guilty of untruth to me, and I do not believe he was, here is what happens: If a man is recalcitrant and refuses to conform to any rules or any discipline, he is firt put into a ward, clean, sanitary, well lighted, upstairs. If he persists and will not heed what is said to him after the has been confined there for a certain time, he is taken downstairs. The only thing I would quarrel about after that is that he might be paddled, and perhaps paddled too heavily. My hon. friend from Kingston City showed me not so very long ago in a room of this house what he said was a paddle that had been used at Kingston penitentiary, or rather a duplicate of it which had been obtained, I understand, at the time of the trials for rioting. I would say without hesitation that if that instrument was ever used it was a relic of barbarism that would shame our modern civilization. But I am told by the warden, upom whom I descended without warning, that that is not what is used nowadays in Kingston, whatever may have been used in times gone by. If his statement was true, and I see no reason to

April 4, 1960, cont'd.

Mr. Smith:

The children of Darkie Hamilton in Glen Cameron - a very pretty
it. Do you know what it is? There is a small corridor, lighted by
an almost-light opening back north. The door is 1½ inches
that a janitor would occupy in a good apartment building. But it
has those cells on one side. It is true that if a man is put
behind one of these cells and really and truly behaves as informed
nuisance of himself, the door is shut on him. Well, if he wants
to get like a good man and behave himself, he goes to work and
goes to work and raises cain around the house, his mother speaks
him and puts him in the supported and says, "You will come want when
you are a good boy." It is nothing more than that as far as the
hole is concerned. It is clean, sanitary and properly looked after,
and makes the matron and guards at Kingston, you'd by and
believe he was, here is what happens: If a man is recalcitrant and
refuses to conform in any right or any privileges, he is like
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and will not heed also he will be put into the lower ward
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I would quarrel about after that is that he might be paddled, and
I would be paddled too heavily. My hon. friend from Kingston C ty
should me not so very long ago in a room of this house what he
said was - would that be taken into Hamilton particularly, or
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at the time of the trials for rioting. I would say without
hesitation that if that instrument was ever used it was a relic of
barbarism that would shame our modern civilization. But I am told
by the Minister that I misunderstood anything, that that is
not what is used nowadays in Kingston, whatever may have been used
in times gone by. If his statement was true, and I see no reason to

Mr. Bell:

disbelieve it, the punishment that is administered, however we may shrink from the necessity for corporal punishment at all, is perhaps not unreasonable under all the conditions.

After all, the greatest punishment that can be inflicted on a human be ng is loss of liberty. The greatest punishment that can be inflicted even on a bird or animal is close confinement. I do feel with all the sincerity of which I am capable, that further consideration should be given to the plight of those who are deprived of liberty under those conditions. because that is what is calculated to make them suffer most of all. The Minister of Justice pointed out this afternoon that there is already under way a movement, to which he proposes to give effect, to establish in the penitentiaries of this country what is known as the Borstal system. The hon. member for East Toronto (Mr. Church) I think did not get it quite correctly when something was said about sending someone abroad, to study this system. The purpose of that, I understand, is merely in regard to the details which might be effectively followed in carrying out the paln. Hon. members hsoudl understand that the Borstal system is not the be-all and end-all in dealing with the criminal class; it is a step in the right direction, but only a step. The ideal to be sought is to find a means of dealing with the criminal, young or old, as an individual. Just so far as we fall short of that, so far we fail of attaining what should be our ultimate aim.

My time is short and I must not encroach, but let me quote once again from an officail report, that of the commissioners of prisons in England for the year 1932. Lest it be suggested that I am quoting from one that is out of date, let me say that this was brought before the House of Commons in England only in 1933. At page 42 of that report the case is dealt with of an unfortunate young girl who was sentenced to a period of detetnion in a Borstal

Mr. Bell:

institution for breaking her recognizances. She had been twice convicted of theft and once for wandering. She left school at the age of fourteen and had reached the sixth standard, went into domestic service, but left many situations and was never emplyed for more than a few weeks at a time. She was totally unreliable and untruthful, and the despair of all who tried to assist her. The first theft, of a purse and gold ring, occurred when she was fourteen years old. She again stole a purse when fifteen years old and was sent to a reformatory, and at twenty attempted suicide. I will not take time to pursue the details further, but the point I desire to lay before the committee is that while the setting up of the borstal system is desirable, we must not then sit down and pat ourselves on the back and think we have solved theproblem. No, because it is an individual problem and is going to need all the careful consideration we can devote to it.

In the few remaining moments available to me, let me make one suggestion that I hope is really constructive and thay may be of assistance in solving the problem that faces us every time we look at one of our penal institutions. When I visited Kingston penitentiary in October last, I went over the place from cellar to garret. After the most careful investigation it was in my power to make of the premises and of the condition of those incarcerated there, I was told by the warden, "Now you have seen it all." I said, "Oh, no; you cannot be right. I have been in the workshop of the oculist; I have been in the chemical laboratory; I have been in the operating room; I have been in the hospital; but what do you do for the sick mind?" He said, "What do you mean?" I said, "Where is your psychiatric ward?" He said, "We have none." Mr. Chairman, if there is one thing more than another that is needed for the Kingston

Mr. Bell:

penitentiary and every penitentiary in this country in this country, it is a psychiatric ward.

Mr. Ross: Hear, hear.

Mr. Bell: There is no question about it; experience has shown it. I was shocked when I was told that any time it was suspected that a man required psychiatric treatment, they had to get a psychiatrist from down town to examine him. For what lengthe of time? For half an hour, and then never see him again. What good can that do? In Sing Sing prison, where they have 2,500 convicts, they have three qualified psychiatists and three will qualified assistants, but in Kingston with 1,00 convicts we have not one. Surely that condition ought to be remedied; surely it should not be allowed to continue much longer. Is it a fact that there is no real necessity for it? Well, I hope hon. members will listen to the reference I am about to give. In The Lawbreaker, by the Calverts, those people who have devoted their lives to the study of this very problem in England, I find this, and I hope the committee will listen to it:

During the ten years 1921-1931 no less than 2,625 person after being sent to prison on committal were found by the mdeical officers to be certifiable--

That means certified lunatics.

---under the lunacy or mental deficiency act, and during the same period 698 persons received into prison on conviction were subsequently certified in prison under the mental deficiency acts.

Why, it ought to be a matter of common sense to us, even without the statistics, that the vast majority of those unfortunates who go back to the penitentiary time and again, who on being let out have but a short ime until they are recommitted to those penal institutions in which they have served many dreary hours and many dreary years, go back for one reason only, They do not go back of their own volition; they do not go back because they are

Mr. Bell:

anxious again to commit crime and to return to those miseries of which we have heard; why go back because they are unable to avoid it.

Will anyone say, after listening to those experiences in penal institutions to which I have referred, that something might not be done for those mene and women that would give them a chance? Just because my hon. friend from Southeast Grey has been unfortunate enought to have been imposed upon by two people is she going to give up her faith in the criminal class? Is any person who wants to observe the real decencies and obligations of modern society doing to say that any man or any woman is hopelessly lost before we have exerted the last possible effort that can be exerted on his or her behalf? That does not rest upon incarceration for years; it does not rest upon anything except the character, the brains and the disposition of the individual, which may be reached no matter how long the time of bitter disappointment or how long the time of lawbreaking they have endured. So I say as my parting word, Mr. Chairman, that regardless of what other necessities may present themselves to the government; regardless of what difficulties there may be in the way of financing the needs of our prisons, we should not deprive ourselves of psychistric aid in redeeming some of those people while they still have a chance.

There is one other matter on which I want to say a word before I sit down. It has become our custom in this house, a custom to which I have yielded together with almost everyone else, to say, "Well, this might be for the better, but why did you not do it in the past five years?" Then sometime someone else says, "Why did you not do it in the previous nine years?" And so it goes on. Can we not eliminate that just for once? Can we not say that the question of right or wrong, regardless of whether it has escaped

Mr. Bell:

the notice of hon. gentlemen in this house or out of it until the present day and hour? Can we not say that we recognize that the lack of that mental help for these mentally sick people should be femedied in order to give them a chance to go forward to something better, even if they are only convicts in a penal institution.

Miss Macphail: I appreciate more than I can say the very earnest plea just made by thehon. member for West Hamilton(Mr. Bell). I am going to make just one reference to my visit to the Kingston and St. Vincet de Paul penitentiaries. One situation which I do feel should not be allowed to contine is that the sick and insane are in the same hospital separated only by the wall against which the heads of the beds stand. There seemed to be quite a number of really sick persons. As we went along at St. Vincent de Paul the warden indicated one man who had been operated on just the day before, and anyone who has gone through the sufferings of the following a serious operatinn knows how difficult it is! Right near that man, out of his sight but just beyond the wall, was an insane man who was calling out louding. The insane man who was calling out loudly. The insane man could not help it, of course, but it seemed to me very difficult for the for the sick. In both institutions there were quite a number of insane persons. I asked Warden Piuze about it, and he said it always seemed difficult to get them moved off rapidly, First there was a period during which the officials were not sure whether or not the inmates were insane, and then it seemed quite while from the time they became sure until the inmates were removed. So I do feel that if out of all this some good may result, any suffering I have endured is as nothing at all.

I am going to argue for the appointment of a royal commission to investigate the whole penal system, to study and report on the cause and cure of crime. Before going on with that, however, I must

April 4, 1944, New York.

Dr. Wells,

The Military Tan. Generally in this house we believe that only the guilty are punished. Perhaps we are not as civilized as we think we are. Have we ever asked ourselves why people should be punished in order to give them a chance to go forward to something better, even if they are only convicts in a penal institution.

Dear Wells, I apologize more than I can say for the very crude plan that made it necessary, among the best possibilities, that I be going to make just one reference to my visit to the Kingston and St. Vincent de Paul penitentiaries. One situation which I do feel should not be allowed to exist is that you must sit in a room with the doors closed, separated only by the wall against which the beds of the beds stand. There seemed to be quite a number of mentally sick persons. As we went along at St. Vincent de Paul the warden mentioned one who had been committed on Jan. 1st, and between operation hours how difficult it is. Night mare that man, out of his sight but just beyond the wall, was an insane man who was calling his family. The insane and who was calling was loudly. The insane man could not help, but he seemed to be very ashamed for the sick. We have institutions there also for insane. I asked Dr. Wells if he said it always seemed difficult to get them moved off mentally. First there was a medical group which the officials were not sure whether or not the humans were insane, and then it seemed quite while from the time they actually saw the humans were removed. So I do feel that if we do not do some good by result, any suffering I have endured in the attempt is all.

I am going to ask the Commissioner of a Penal Institution to investigate the penal system, to study and report on the

Miss Macphail:

saythat I feel that if we are to discuss modern penology intelligently we must know somethin of the work of Thomas Mott Osborne, the founder of the new penology. Antying that Lawes has been able to do as warden of Sing Sing, or anything that Doctor Leo Palmer, who made such a marvellous addres before the Kiwanis club of Kingston on August 7, 1934, and who is the superintendent of Walkill state prison at Wallkell, New York, and other men wo are carrying out the ideas of new penology, have been able to do has come as a result of the temendous service rendered by Thomas Mott Osborne, who died feeling that his life had been wasted and who was not only prosecuted but who was also persecuted because of his attitude towards criminals. I should like to give a brief outline of what ~~should~~ Osborne stood for. He was the first to propound the idea that there is no such thinkg as a criminal type. He argued that since most prisoners are to return to society the chief objective of prisons should be to prepare them for that return. He contended that only by treating convicts as men, instead of as beasts, can an attitude of cooperation on the part of the prisoners be cultivated, and he demonstrated in actual practice at Aubrun penitentiary, at Sing Sing penitentiary and at Portsmouth naval prison that the granting of responsibility to inmates after they had shwon their capacity to appreciate it was the best insurance for maintaining a sense of responsiblity after their release. His philosophy could be summed up in these words: No man can reform another. What we can do is give him a chance to reform himself. After Osborne's death, tribute was paid to him, all over the United States of America for the tremendous service he rendered in the field of penology.

I feel that we ought to have a royal commission in order that we may be better able to protect the innocent members of society against embittered and revengeful men when they come out of

April 4, 1923, cont'd.

Miss Gaspelli

capital I feel that if we can do anything towards lessening the
so much more wretchedness in the case of those who are innocent, the
of the new penology. Perhaps this cases the Tombs will be a
version of Sing Sing, or anything that Governor Lehman, who made
such a marvellous address before the Illinois Club of Rhyeton on
August 7, 1924, and who is the superintendent of Welfare state
prison at Trillwill, has looked upon as the very worst of
hotel of his penology, have had some to do, some help or
of the hopeless sensible analysis of Clarence Darrow, the
Indian that has lately travelled and has not at all only humanized
but who was also persecuted because of his attitude towards criminals.
I should like to give a brief outline of what happens Osborne stood
for. In one the first to recognize the love and what is he said
thinking as a criminal type. He argued that since most criminals are
in fact in health the social equivalent of children should be
treated them for that reason. He contended that only by treating
everyone as man, instead of as beasts, can an attitude of cooperation
on the part of the prisoner be cultivated, and he demonstrated in
actual practice at Auburn penitentiary, at Sing Sing penitentiary
and at Portsmouth naval prison that the practice of humanity
to inmates after they had shown their capacity to appreciate it was
the best insurance for maintaining a state of tranquility after
their release. His philosophy could be summed up in these words:
"I can not perform another. What we can do is give his a chance
to prove himself. After Osborne's death, William Hay said to
him, all over the United States of America for his humanity
survive be treasured in the field of penology.

I feel that we might do some [illegible] [illegible]
that we may be better able to protect the innocent members of

Miss Macphail:

prison. I could not help but wonder how the superintendent of penitentiaries in Canada could have become a noted penologists in such a short time. After the riots and fires and continual disturbances --I gave a list this afternoon, a most imposing array--three men in key positions who had no knowledge of penology, no knowledge of psychology, or so far as I know of the social sciences, were appointed. These men were the superintendeent, one of the chief inspectors, and the warden at Kingston penitentiary, I was glad to hear the minister state this afternoon that the number of people in penitentiaries is lower. Certainly however it is very much greater than it was ten years ago. I believe the figures indicate that on March 31, 1934, we had within our Canadian penitentiaries 2,373 inmates, while in April, 1933, we had 4,591. Our penitentiaries cost about $2,699,000.

I believe there is no one in this house who would question the integrity and social standing of a man like the Hon. W. F. Nickle. Speaking at Montreal on October 16, 1933, Mr. Nickle made a very strenuous speech in favour of radical changes in our penal system. His observations are reported in the Globe of October 17m 1933, from which I am quoting. The headings are:

Prison cruelty shames Canda. Stripped of rights, convict's fate left to whime of guards. Grim tales of suffering within Poetsmouth's wals recounted by Ontario's former Attorney General in heartfelt protest at Montreal.

Then, one or two sentences from his observations:

Branding the penal system of Canada under present administration as a disgrace to the nation, and a regime that should be swept out of existence, Hon. W. F. Nickle K.C., former Attorney General for Ontario, and parliamentarion of long experience, unfloded before the Young Men's Canadian Club of Montreal to-night some of the facts in connection with penitentiary life that have come within his personal knowledge. He made it clear that the convict is deprived of even the few and minimun rights that society has conceded to the man behind the bars.

This is a long article, and I shall not take time to quote

Miss Macphail:

the whole of it. May I, however, read the following:

Mr. Nickle scouted the idea that any political motives were behind the movement to reform penitentiary conditions. He deprecated as unworthy of notice the fallacious jibes, "sob-sisters" and "sentimentalists," which were levelled against those seeking prison reform, by those who did not see eye-to-eye with Mr. Nickle and other Canadians who say the need for improvement.

Then, quoting his words:

Knowing Right hon. R.B. Bennett and Hon. Hugh Guthrie as I do, I know that if they saw the situation as I do, they would see their duty, as humanitarians, not merely to accept my word for it, or the word of the convicts, but to accept the spirit of the nation that cries out for an improvement in this regard, and appoint a commission to investigate. I haven't much faith in parliamentary commissions--they consist of busy men who have inadequate opportunities to go into the thing thoroughly.

He made one other statement in his speech which to me was of particular interest, because I had tried to check upon the point during my last visit. Last year in this chamber I asked a question in the same connection. I quote:

Sometimes convicts were strapped--

That is not what I want, but undoubtedly they were.

The hospital cells were the occasion for considerable complain too. The dishes the men ate from were washed in the baths in which hospitalized convicts washed, and, although it was stated that no cases of diseases had been communicated, the situation was, nevertheless, abhorrent to the majority of them.

I did take particular notice of the hospital at Kingston penitentiary, and I felt that the good offices of the hon. member for Kingston City were clearly discernible in the excellence of the hospital in many regards. It is certainly a very much better hospital than is to be found at St. Vincent de Paul, and I attribute the difference to the work of the hon. member I have just mentioned. I must say however that I could not find anywhere the place where they washed dishes, other than in the bathtub in which patients suffering from all sorts of diseases, including those suffering from syphilis, bathed. I would like to know if this heinous method of dish washing has been discontinued. Up until

Miss Macphail:

the very last reports I received--I believe they were authentic, and they were not from prisoners--it was still in practice.

In the editorial column on the front page of the Toronto Saturday Night for March 30, 1935, there is an editorial dealing with this subject. This is a very excellent paper, on of high standard and considered to be more or less conservative, from a political standpoint. Its views, which I should like to bring before the house are as follows:

As we have never entertained the view that the indiscipline in the Portsmouth penitentiary was due to the presence of some half-score of members of the communist party within its walls, we are perhaps less surprised than some of our contemporaries that that indiscipline is continuing although the communists have departed.

As I said this afternoon I read through again last night the report of General Ormond, and I find that upon this occasion he does not mention communists, Last year the report reeked with communists; communists, according to him, were the cause of everything. There are no communists in it now. He makes the statementwhich I shallnow quote:

As stated elsewhere the conduct of the convicts during the year has been fairly good and can be looked upon as satisfactory in view of the unrest created by the publicity given to penitentiary affairs.

It is going to be tough on the department if in the coming year there are no communists, and no publicity to blame.

Then, to go on with the editorial in the Toronto Saturday Night:

As a matter of fact we are not surprised at all. The conditions which provoked the outbreaks of the last two years, namely gross overcrowding in the penitentiaries and an attitude of smug satisfaction--

I am glad somebody has siad it just as I feel it.

--and immovable conservatism throughout the entire organization, are continuing exactly as they were; and the official attitude has become more irritating than ever because there was for a few weeks a hope--due to an announcement by the government that the Borstal system would examined and reported on with a view to its adoption--that some steps towards prison reform would be taken immediately.

Miss Macphail:

Then, the last sentence:

It is tiem the Canadian penitentiary system was thoroughly overhauled with the aid of expert advice and criticism from countries where penology has been studied with greater exactitude than here.

That will be difficult, since the mihister told us that Canada has the best penal system in the world. A few days ago the following appeared as an editorial in the Ottawa Citizen:

One thin is certain, it is that Kingston penitentiary needs to be investigated to see if it is conducted in accordance with modern standards. There are at present grave doubts that it is.

I need not, I think, quote the Toronto Globe because for a long time it has conducted a campaign for penal reform. No matter what other people may think of it I am convinced that the Globe is sineerely anxious to bring about real changes in our penal system. From the issue of March 20, 1935, I will read only one sentence:

The rights of parliament to full information about penitentiary happenings have been accorded scant respect by the responsible minister in the past. Even in the last weeks before dissolution there can be no excuse for relaxing of effort to clear up the prison situation so far as it is possible to wrench the facts from quibbling administrators.

Last year Major W.M. Nickle, in an interview with the Toronto Globe on Wednesday June 27, said:

What is needed at Kingston penitentiary is reform not repression. An inmate should be taught a trade or calling,,so that on discharge he can make an honest living with his fellwo men and not be, as is now the case, on discharge, as many years backward as the length of his term.

I have noticed in two or three papers and letters received from prominent people who are interested in this subject that they have compared it with the practice of medicine, indicating how far behind medical science is the study of penology. I now look again at the speech of Doctor Leo J. Palmer, superintendent of the state prison at Wallkill, New York, who speaking in Kingston last year said:

Our modern medicine is the prduct of scientific investigation without which we would still be attempting to cure our sick and insane by trying to drive out evil spirits. We know to-day that there are as many causes of crime as their are criminals and are forced to the conclusion that as there is no single casue of crime, there can be no single cure for the criminal.

Miss Macphail:

He is clearer in another sentence:

Whereas the old method sought to make the punishment fit the crime, the new strives to make the treatment suit the individual.

I received a very interesting letter from a prominent medical man in Hamilton, the city of the hon. member who has just taken his seat. This doctor compares our treatment of criminals with our treatment of the insane and sick, and goes on to show that the two treatments are not alike. In criminal cases the man who hands out the treatment, or the sentence, does not follow it through to see what effect it will have. The criminal is simply turned over to people who are not trained to carry out the orders given. In his opinion our present system is in need of a complete overhauling.

I should like to make some suggestions which I think are constructive. Since so much controversy has taken place on this subject I submit that an investigation should be held with the idea of finding methods to improve the treatment of crime. I have talked this matter over with many people who have had a good deal to do with prisoners, and they are all of the opinion that the place where the psychiatrist should begin his work is the court room. There should be a psychiatrist attached to every court in order that the sentence given, particularly to youthful offenders, should be one likely to be of benefit while at the same time protecting society. A case sheet, upon which is entered full information as to the environment and hereditary influences affecting the prisoners, should accompany the man to the penitentiary so that the warden may have some idea of the type of prisoner with which he was dealing. I agree with the hon. member for West Hamilton (Mr. Bell), who has spoken so well on this subject, that there should be a trained psychiatrist attached to every penitentiary. If that cannot be afforded at the moment, there should be two appointed, one for the western penitentiaries and one for the eastern.

April 4, 1948, cont'd.

Miss Margaret:

He is closer in another conference:

I received a very interesting letter from a prominent medical man in Hamilton, the chief of the bone marrow who has just taken his post. This doctor concerns our treatment of criminals with our treatment of the insane and sick, and goes on to show that the two groups are one and the same. In criminal cases the man hands out the treatment, or the punishment, does not inflict it enough to see what effect it will have. The criminal is simply turned over to people who are not trained to carry out the treatment given. In his opinion our present system is in need of a complete overhauling.

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[illegible] "Hell", the [illegible] [illegible] case, there should be a prolonged attempt to cover criminality. If that cannot be [illegible] a moment, there should be the experience, one for the

Miss Macphail:

There should be a classification of prisoners, I realize that this is not an easy thing to do and I do not know enough about penology to say just how they should be classified. However, with all due deference to some of the high officers in the penitentiary, I think I know about as much on the subject as they do.

The prisoners should be trained to do some work, such as carpentry, blacksmithing and so on, so that when they come out of penitentiary they will be able to find a job. I should like to quote from page 24 of General Ormond's report as follows:

> Penitentiaries treat the convicts as individuals who will eventually be returned to society. The training in the penitentiary will be such that the convict should, without difficulty, upon his release adjust himself to the conventions accepted by the citizens of Canada.

The fact is that these men have great difficulty in adjusting themselves to conditions and in finding anything to do. While in the penitentiary these men work only seven hours per day, leaving seventeen hours to be spent in their cells. I believe the cells measure something like four bysix feet or four by eight feet, although there is a whole tier of cells in St. Vincent de Paul which measure only three and a half by six feet. Seventeen hours is a longtime to be shut in a cell and nothing is to be gained by leaving a man's mind vacant so that it can be filled with all that is bad. It would be much better to have some kind of cell activity in which the man could interest himself. I visited a small village some distance from Kingston and some of the people had friends who were convicts in Kingston. One of these convicts had made a watch chain out of horsehair taken from the team he was driving on the farm. This was a remarkable piece of work, but it was the opinion of these people that if the man who made it had been found out he would have been put in the punishment cell. I do not know for certain that that is true, but I judge it is.

Miss Macphail:

Everbody does not enjoy reading, and in fact many of the convicts are poorly educated and never will be readers. Would it not be possible under the regualations to have a lecture or an evening of music once a month which would be calculated to elevate the minds of the convicts? I do not think this is being done in most of the penitentiaries, although I understand it is at St. Vincent de Paul and is permissible under the regulations.

This whole subject should be approached scientifically. It is true that there should be punishment, but the main object in view should be the reformation of the man. I think it is most important that the person in charge of a penitentiary should be trained in penolgy and know something about psychology and the related social sciences. I am inclined to agree with the hon. member for East Toronto who said he was rather against the appointment of military men to these positons. A military man might be just the person for the position of superintendent, but on the other hand the qualifications which make him an excellent military man are likely to militate against this effective work with prisoners. Wardens should be men of education and culture, the sort of men whom all the convicts in their secret hearts would like to be. A warden should also possess the love of humanity and be anxious to help those placed in his charge. Reading the life of Thomas Mott Osborne and the book written by Warden Lawes of Sing Sing convinces me that men of the right type effect tremendously the lives of the convicts.

I think there should be training schools for the guards. Wardens are rather to pitied by having a number of green men appointed as guards. All that a warden can do is to put a new man on with a trained guard, the new man picking things up as he goes along. I think there should be training schools for the guards of our Canadian

level of, land, canal.

Alan Margaret:

Everybody does not enjoy problems, and in our map of the complete
the poorly educated and never will be readers. Could it not be
possible under the regulations to give a lecture or to provide
a series once a month which could be calculated to elevate the
minds of the downtrodden? I do not mean this is being done in
the penitentiaries, although I understand it is at Vl. Vincent
St. Paul and is practicable under the regulations.

This whole subject should be approached seriously.
It is true that crime should be punished, but the main object
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important that the person in charge of a penitentiary should be
trained in sociology and know something about psychology and the related
social sciences. I am inclined to agree with the non. member for
East Toronto who said a few minutes ago that the appointment of mili-
tary men to these positions. Military men might do but the person
in the position of superintendent, I am [illegible] [illegible]
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the convicts in their secret hearts wo I like to be. A warden
should also possess the love of humanity and be making to help
young [illegible] in the prison. Reading the life of Thomas Holt
[illegible] Act and most written by Jacobs Lewis of Sing Sing Pen-
itentiary in New York, that type of man [illegible] the lives
of the convicts.

I WISH THERE WERE MORE PRISONS [illegible] for the
criminals are rather to yielded by mental weakness or [illegible]
or [illegible]. All that a prison can do is to put a man on his a
[illegible] guard, the man making that up to go to prison alone. I
[illegible]

Miss Macphail:

penitentiaries. It is not necessary that the courses should be continuous but these schools might meet at certain definite times, and surely it is not asking anyone too much to expect that he shall put in six months to qualify himself to be a guard. I believe that the higher the standard set for guards and petty officials the sooner we shall have better results. Again--and this is going a good deal further than we have yet gone--I think we ought to begin an experiment in self-government. What the minister said to-day indicates possibly a beginning in that direction--a segregation of better behaved prisoners who are allowed to meet in a room and have their meals together. It is only as the prisoners begin to show a sense of responsibility that they will be fit to enter society again. Certainly the insane should not be allowed to mingle with the sane.

I would remind the minister that many years ago I asked also that prisoner should be given payment. It must be about eight years since I made this suggestion and the first year the house thought it was a peculiar idea, but the second year the resolution carried. I think it was in 1926 it carried, the year when all sorts of peculiar ideas seemed to quite all right. I took considerable time before it was carried into practice however, and I certainly did not think that it would be the complicated business it has turned out to be. I tried to follow the minister this afternoon but I lost the connection between the five cent day and the ten cent day and paying and not paying for tobacco. I am not so sure that the prisoners would not have been better off if they had not been given five cents and had not been asked to pay for their tobacco.

The last point, which I suggest is a very important one, is the necessity for simplifying the rules. I do not want to amuse the house unduly, but after a good deal of trouble I obtained the book of rules from which I wish to quote a few examples. There are

penitentiaries. It is not necessary that the owners should be
gentlemen but some schools might meet at certain definite times,
and surely it is not too much to expect the men, or women, to spend
not in six months to qualify themselves to be a parent. I believe that
the higher the standard set for parents and public officials, the sooner
we will have both. Until--and this is going to hurt--I
think we have got some--I think we ought to begin an experiment
in self-government. The plan is to call people together and
beginning in the first instance--a number of better educated prisoners
who are allowed to meet in groups and have their own government.
It is only as the citizens begin to show a sense of responsibility
that they will be fit to enter public life. Naturally the insane
should not be allowed to mingle with the sane.

I would remind the minister that many years ago I urged
also that pulp not should be given payment. It was a short
years since I made this change that the first time the house
thought it was a peculiar idea, but the second year the recommendation
carried. I think it was in 1913 it carried. The year 1914 all sorts
of pen liar ideas seemed to quite all right. I took considerable
time before it was carried but it carried however, and I certainly did
not think that it would be so popular. I tried to follow the minister into a discussion but I have
not succeeded. I have given the five cent fare and the one cent day
labour not paying for himself. I am not at this time that the prison
wages should not have been sent to the Mother or Wife of the prisoner
dependents and has not been asked to pay the total expenses.

The last point, which I thought is a very important one,
is the necessity for simplifying the rules. I do not want to answer
the Prime Minister, but offer a word of warning I observed the
work of some from which I also be work of the committee

Miss Macphail:

724 rules.

An. hon. Member: Who issued it?

Miss Macphail: This was issued by Superintendent Osmond. I understand that he sent out the annual year 230 circulars. Some of them so firmed and some contradicted the rules, and if he has been as prolific in 1934 there must be 1,000 rules by now--1,200 rules which someone is supposed to have read and to know.

Mr. Lapointe: One would have to have a good memory for that.

Miss Macphail: Yes. I will read two or three of the rules. For instance, it takes fifteen and a half pages to tell the medical officer how to examine a guard when he is applying for the position, and this issupposed to be addressed to a doctor by a layman. Section 7, page 118, reads:

7. Positon of applicant.--When not required to approach the applicant for special objects, the medical officer should always take his place at a distance of about six feet from him. The applicant should be placed so that the light will fall upon him.

Then we come to the examination of the head and neck--I like that one.

14. The head and neck--The examination of the head and neck will be made from above downwards. The medical officer will note the intelligence, character of voice and power of hearing of the applicant by his replies to the questions put to him. The following are the directions:

Have you had any blows or cuts on the head?
Are you subject to fits of any kind?
He examines the scalp.
He examines the ears.
He examines the nostrils.
He examines the mouth, teeth, palate and fauces and then tells the applicant to say loudly, "Who come there?"
He examines the neck.

It is as minute as that for all parts of the body and, as I say, it takes fifteen and a half pages to tell all about it. It seems to me that there is one officer who does not need any qualifications, and that is the medical officer; all he needs is th book of rules. Let me quote now a few other rules:

Miss Macphail:

632. When typewriters or adding machines are in need of repair, the warden shall obtain from the local agent a detailed estimate of the cost of repair, and shall submit such estimate to the superintendent on a stationery requisition.

633. In the case of repairs costing not more than one dollar, the warden may instruct the local agent to proceed with the same, and shall procure an invoice from him and forward the same to the superintendent, covered by a stationery requisition.

634. Typewriter and adding machine repairs shall not be attempted in the machine shops of the penitentiary.

650. The chimneys of residences are to be swept once a year or oftener, if required. This shall include chimneys from bake ovens.

651. Wherever possible, chimneys are to be swept from the outside of the building, by convict labour. After the chimney has been swept, the soot is to be removed from the basement or clean-out by the tenant:

Mr. Jacobs: Is it stated that the convict must return to his cell after that is done?

Miss Macphail: I do not see anything about that. Let me read something in regard to horses:

576. If a horse becomes a casualty, and requires to be laid up or receive veterinary treatment, the necessary entries shall be made on form P.B. 17 and the form shall be forwarded to the office of the superintendent, in order that such entries may be made in the duplicate form held there.

577. When it becomes necessary or desirable to cast or sell a horse, a full report shall be forwarded to the superintendent, with recommendations.

578. If it becomes necessary to destroy a horse in an emergency, a full report shall be forwarded, accompanied by the report and certificate of a veterinary officer.

Then it leaves two blanks, 579 and 580. Were these left so that a full report might be made in regard to a team of Percheron horses bought from an M.P? The price is very good, I am told, around $700. Anyone who goes through these rules, of which there must be 1,000 altogether, will understand how impossible it is for the guards to grasp them. When Brigadier General Hughes was superintendent the warden was in command of the institution but that is no longer true; he has scarcely any command at all.

[illegible]

April 4, 1934, 10:30.

Miss Macphail:

626. When typewriters or adding machines are in need of repair, the warden shall obtain from the local agent a detailed estimate of the cost of repairs, and [illegible] the superintendent on a stock entry requisition.

629. In the case of repairs costing not more than one dollar, the warden may authorize the local agent to proceed with the same, and shall procure an invoice from him and forward the same to the superintendent, covered by a stock entry requisition.

630. Typewriters and adding machine repairs shall not be attempted in the trade or shops of the penitentiary.

[illegible] if required. [illegible]

631. Wherever possible, [illegible] the soot is to be removed from the basement or cleaned out by the tenant.

Mr. Jacobs: Is it stated that the convict must return to his cell after that is done?

Miss Macphail: I do not see anything about that. Let me read

something in regard to horses:

570. If a horse becomes a casualty, and requires to be laid up or receive veterinary treatment, the necessary entries shall be made on form Pen. 17 and the form shall be forwarded to the [illegible] in order that [illegible] may be made in the duplicate form held there.

577. [illegible] with recommendations.

578. [illegible]

[illegible]

[illegible] a full report might be made in regard to a team of horses

[illegible] I am told,

[illegible] of which there

[illegible] understand how impossible it is for

[illegible]

[illegible] in command of the institution but that

[illegible]

Miss Macphail:

Dr. Leo Palmer, addressing the Kiwanis club with regard to the rules in his institution, said:

It might be of interest to note at this point that the institution functions with the fewest possible rules. It is true that we have provided certain daily routines. Insistence on punctuality is maintained but only those regulationsare enforced that make for a decently well-organized community.

So long as we have such a multiplicity of rules there must be trouble, because no one can become acquainted with them.

Let me now discuss for a moment the important question of parole. This whole subject should be investigated by competent people, and I should like to see a man like Mr. Nickle, who was on the investigation before, and others equally well qualified, carry out a careful inquiry into this subject. There is one parole officer for the whole dominion, and he is in the department. I am sure he does his best, but the people who know most about the prisoners in different penitentiaries can only make recommendations to the parole officer--he is called remission officer, I think. But any authorities on penology that I havrever read and any of the commissions ever held in Canada--and we have had two excellent ones, one in 1914 and th other in 1921--in both cases urged that there be a parole board for each penitentiary and that parole board consist no of one person but of several.

There is another subject I wish to discuss although I do not know how the committee will feel about it, and that is the chaplain in the penitentiary. I understand they are really civil servants; they are paid by the dominion government. I am not sure what the salary is; some use the figure $2,500 I am not sure as to the amount. I was just wonder whether the church, whether Catholic or Protestant, should not be responsible for the chaplains, because then they would be free in a way they cannot be if they are

Miss Macphail:

paid directly by the government. If we send missionaries all over the world totell people how to live, I do not see why on the same principle the churdhes themselves should not be responsible for the chaplains in the penitentiaries.

I should like to refer for a moment to the change there has been in regard to crime and it spunishment. When you go back in English history--and you do not have to go back very far--you find hundreds of crimes for which the death penalty was the punishment. People were boiled in oil, hanged drawn and quatered and many other forms of punishment were inflicted to try to deter criminals, but these punishments did not have the intended effect. Under modern civilization we have got away from that sort of thing. Now we know cruelty does not bring reform. I give the committee the words of Thomas Mott Osborne, who is better qualified to judge than anyone else who has lived on this continent. He says:

> When a man, treated like a beast, snarls and bites, you say, "this is the conduct of an abnormal creature--a criminal." When a prisoner, treated like a man, noble responds, you cry, "A Miracle! "
>
> What folly! Both these things are as natural as two and two making four.

I think that is true and should be the basis of the new penology in Canada; I think it should be institued without delay.

Mr. Reid: I want to change the discussion somewhat in order to direct the attention of the minister to some cases which I believe should be brought to his attention. These have occurred in the city of New Westminster. They affect three, if not four returned men, and to my mind at least three of them are serious enough I think to merit further investigation on the part of the minister. Before I finish I am going to ask him, if he appoints a royal commission that these cases be also considered by it. The three of them, while

paid directly by the government. If we need misdemeanors all over the world teach people how to live, I do not see why on the same principle the churches themselves should not be responsible for the obsplatns in the penitentiaries.

I should like to refer for a moment to the idea that we have been in regard to crime and its punishment. When you go back in English history--and you do not have to go back very far--you find that people were boiled in oil, hanged drawn and quartered and many other forms of punishment were inflicted to try to deter criminals, but these punishments did not have the intended effect. Under modern civilization we have got away from that sort of thing. We do not [illegible] in [illegible] as anyone else who has lived on this continent. He says:

> SAY, "this is the conduct of an abnormal creature--a criminal, not a prisoner, treated like a man, noble reasonable, you cry, "Inhuman!"
>
> What folly! Both these things are as natural as two and two making four.

MR. MARA: I want to change the discussion somewhat in order to direct the attention of the minister to some cases which I believe should be brought to his attention. These have occurred in the city of the Dominion. They affect three, if not four returned men, one of my men at least three of them are sailors among I think in small crimes I-respectation on the part of the minister. [illegible] I do [illegible] if [illegible]

Mr. Reid:

they affect three different parties, involve more or less the same complaint in regard to dismissal. These men had been engaged as guards or clerks, and had been changed from clerks to prison guards, then changed back again to clerks and later dismharged from the penitentiary. The minister will I know take the attitude that the warden is in complete control of the penitentiary, as he should be, and that all men in that institution should be under his direct orders and do exactly as they are told. Some men in certain positions in lifelare a little more conscientious perhaps than are others, and the men about whom I am speaking have in my opinion been conscientious in regard to carrying out their duties. In carrying on clerical work it was their duty to censor letters going out from the convicts to their friends, and I believe that it was due to complaints which they made regarding the disobeying of rules which brought them under the displeasure of the warden who was in the penitentiary at that tiem and who lately has been transferred from New Westminister to Prince Albert penitentiary.

These men have a wonderful war record. After I sit down I would like the minister, when he answers may appeals, to tell the committee how many returned men have been employed since the civil service regulations have been done away with and since the hiring of officials or guards has been placed unther the jurisdiction of the warden. I ask that because much complain has been heard since one of the annual reports appeared in which it was stated that ex-service men who has been privates were not as satisfactory as other classes migh be on account of the fact, so the report stated, that those men had perhaps reached the height of their efficiency. That slur has travelled from one end of the country to the other, and I have met it particularly in my constituency where it is stated on

Mr. Reid:

they affect three different parties, involve more or less the same complaint in regard to dismissal. These men had been engaged as guards or clerks, and had been changed from clerks to prison guards, some assigned back again to clerks and later dismissed from the penitentiary. The minister will I know take the attitude that the warden is in complete control of the penitentiary, as he should be, and that all men in that institution should be under his direct orders and by rights as they are now. Some men do serious penitentiary in Alberta a little more considerable punishment than was allowed, but not what I am inquiring into is to discover their grievances in regard to changing and their dismissal. It seemed to me that it was their duty to answer letters going out from the convicts to their friends, and I believe that it was due to complaints which they made regarding the discovering of rules which brought them under the displeasure of the warden who was in the penitentiary at that time and who lately has been transferred from New Westminster to Prince Albert penitentiary.

Years ago there was a commission appointed. When I all does I would like the minister, when he answers my appeals, to tell the committee how many returned men have been employed since the civil service preferences have been made, with and without the limits of affiliate or qualified and then placed under the jurisdiction of the warden. I ask that because much complaint has been heard since the annual reports appeared in which it was stated that ex-service men who had been placed were satisfactory to other departments only or to department of the Crown, as the annual states, that these men had perhaps reached the height of their efficiency. That after the travellers from the end of the country in the winter, and I may not it particularly in my constituency where it is stated on

Mr. Reid:

fairly good authority that since that time preference has been given to those who have not seen active service. I have under my hand a list of many of the men who have been engaged, but perhaps the minister has fuller information regardin that and will be able to answer me when I resume my seat.

The first man I want to deal with is one Pattinson, whose complaint is that because he took part of a guard named Drage who was dismissed, he came under the displeasure of the warden, fault was found with him and he was fired from the penitentiary. This amn was thirty-eight years of age. Here is his army record. He held a regular commission as a captain in His Majesty's army in India. He was temporary major while employed as section administrative commandant at Kalabagh, India. He was also staff captain, administrative staff, and camp commandant with two camps under his command. For these services he was awarded the Order of the British Empire, Military. While serving in France with the Imperials, Notts and Derby regiment, as intelligence officer he gained the Military Cross. He received the following medals apart from decorations: General Service Victory, Northwest Frontier, India, with two clasps. I am putting all thes on the record and drawing this to the attention of the minister to show the type of this man Pattinson, who had been let out.

He states that he joined the penitentiary staff on February 9, 1933; that he worked in various posts; that he had control of convicts and that for one day he acted steward. On april 9, 1934, at Colonel Cooper's request, he says that he went to the censor's office. He states that of conditions in the administrative building, re staff, he would not speak at present. He says further that while there he refused to be a party to irregular correspondence

Sunset to Dawn, would.

Sir Hall:

Shortly prior to recently had arisen that some patronage has been given by those who have not been acting active service. I have under my hand a list of many of the men who have been engaged, but perhaps the Minister has public information recently [illegible] to answer as when I receive my seat.

The first man I want to deal with is one Lattimore, whose claim is that because he took part of a grand moral image who was dismissed, he came under the displeasure of the warden, Gaols Board with him and be was freed from the penitentiary. This man was imprisoned [illegible] in the army [illegible]. He was commission as a captain in His Majesty's army in India. He was temporary major while employed as section medical officer [illegible] at Kalabagh, India. He was also staff captain, administrative staff, and camp commandant with two camps under his command. For these services he was awarded the Order of the British Empire, Military. While serving in France with the Imperials, Notts and [illegible], an intelligence officer in charge the Military [illegible]. He received the following medals: General [illegible] Victory, Commander Footing, Medal, [illegible]. I ask nothing all those on the record and drawing this to the attention of the minister to show the type of this man Lattimore, who had been let out.

He states that he joined the penitentiary staff on February 4, 1921; that he worked in various posts; that he had control of [illegible] and that on one day he served seaweed. On April 8, 1924, at Natural Supply department, he says that he went to the commander's office. He states that of conduct as in the administration [illegible], [illegible], he would not accept at present. He says further that while being in refused to be a party to irregular correspondence

Mr. Reid:

passing in and out of the prison and to obey a verbal order delivered to him by then temporary second grade clerk Cummings, since made senior clerk by Warden Cooper, purporting to come from Warden Cooper, to obey which he would have had to disobey a written order by the superintendent. He says that he had a letter written requesting the order in writing, but was removed from the office during that week. During his last week ther, Cooper had placed in charge of this office a man named Staughton, who, Pattinson understood, had failed to measure up to medical requirements. From this time on he states that he was penalized by Cooper, being permitted to do only tower and and stand duty. I need not ake up the time of the committee with further details with regard to this man, and also as I want to deal with the other two men.; but that which I have now read is en ough to show the type of man who was holding that position and also to show that it was on account of the fact that he refused to disobey a written order issued by the superintendent that eh fell under the displeasure of the warden at the penitentiary.

The other cases are in connection with two men named Drage and Neild. Those men make exactly the same complaint. In the case of Drage, it will be said that he used a billy on one of the convicts. Two other guards were in charge of that convict, and Drage came to their assistance. He states that investigation proved that the convict was not hurt. He claims that he was acting under the rules of the penitentiary in what he did, but as he had been complaining about the evasion of rules by the warden, he feels that he was discriminated against and let out on that account.

The other case is that of Neild, who was in the penitentiary quite a number of years. He was in the same department, and endeavouring to carry on as provided by the rules. When he found that

Mr. Reid:

that letters were not being censored he thought it his duty to censor them, but when he endeavoured to do so, he fell foul of the warden. That is his statement to me. It would take too long to go into the whole history of these cases, but here are three men who have fine records of war service, who it would seem were conscientious in doing their duty and endeavouring to obey the rules, especially the rules as to correspondence going out from the convicts and in regard to visitors coming to see the convicts. In the course of their duties beliveing they should carry out these rules, they complained, I understand, either to the superintendent or to the warden, and very soon they found themselves under the displeasure of the warden and in course of time were let out. Not only that, but they are discriminated against because, in endeavouring to find emplyment elsewhere, they cannot obtain from the warden the references they are asked for.

In the circumstances they are prevented from obtaining any position of trust at any rate by reason of the fact that no recommendation will be given. Drage says that during his time friends were allowed to visit prisoners before they were properly investigated; he claimed that they were violating section 207 of the regulations. He drew the attention of the warden to the fact that letters were coming in which should not come, and he would not allow certain latters to leave which were being sent by the convicts. He also claims that fighst had occurred there and no report was made of them and no entry made in the books. One of the most serious charges he makes is in connection with shortages of convicts' money and the loss of stamps. He declares that an investigation into the loss of stamps would show that the books have been altered to cover the shortage. Drage, who has a splendid war record, claims also that he was entitled to twenty-seven days' pay because when he was suspended the was told

ent letters were not being generated he thought it his duty to censor them, but when he endeavoured to do so, he fell foul of the warden, that is his statement to us. It would take too long to go into the whole history of these cases, but here are three men who have fine records of war service, who it would seem were conscientious in doing their duty and endeavouring to obey the rules, especially as rules as to correspondence going out from the convicts and in regard to letters coming to see the convicts. In the course of their duties believing that a small sum of money was owing, they complained, I believe, either to the superintendent or to the warden, and very soon they found themselves under the displeasure of the warden and in course of time were let out. Not only that, but they are discriminated against because, in endeavouring to find employment elsewhere, they cannot obtain from the warden the references they are asked for.

In the circumstances they are prevented from obtaining any position of trust at any rate by reason of the fact that no recommendation will be given. Bragg says that during his time friends were allowed to visit prisoners before they were properly investigated; he claimed that they were violating section 607 of the regulations. He drew the attention of the warden to the fact that letters were coming in which should not come, and he would not allow certain letters to leave which were being sent by the convicts. He also claims that [illegible] there and no report was made of them [illegible] many cases in his lands. One of the most serious charges he makes is in connection with forfeiture of convicts' money and the loss of interest. He believes that an [illegible] in into the loss of [illegible] which also that all [illegible] have been altered to cover the shortage. [illegible], who has a splendid war record, claims also that he was entitled to twenty-seven days' pay because when he was suspended the was told

Mr. Reid:

not te seek work, that he was still under the jurisdictionof the warden, and so was kept in suspense for almost a mongh before being told that he was discharged. One man who was brought there from the city of Vancouver and given a position was named Matthews. Drage claims that Matthews has now been discharged because it was found he was implicated to some extent in certain telephone calls. In my opinion, these statements are very serious . The serious part is the dismissal of three men who, in endeavouring to carry out the rules, incurred the displeasure of the warden and so lost their positions, and now find themselves unalbe to procure employment and of course, have a black mark against them. The man Pattinison has a very fine record. I appeal to the minister that in connection with those three menan impartial investigation be held. The whole case I understand has been laid before the superintendent, who is well aware of all the circumstances. I ask the minister if he has any report regarding these cases; also how many returned men have been engaged since the civil service commission have discontined hiring men for the penitentiaries?

Mr. Guthrie: I cannot give my hon. friend the figures; I have not them before me, as I did not anticipate being asked the question. But I can let him have the exact number to-morrow I think. My information is that none but returned men have been engaged when returned men were available. I shall get an exact statement and give it to my hon. friend.

In regard to Pattinson, from reading the report I am satisfied that he ahd an exeellent militayy record in India. He joined the penitentiary staff in February, 1933, as a temporary guard. He knew when he came on that he was there temporarily. In the course of the l ast few months it became necessary to reduce the staff in that institution, and five temporayry guards were let out.

Mr. Reid:

not to seek work, that he was still under the jurisdiction of the warden, and so was kept in suspense for almost a month before [illegible] was discharged. [illegible] the City of Vancouver and given a position was named Mattheews. [illegible] claims that Mattheews has now been discharged because it was [illegible] he was implicated to some extent in certain telephone calls. [illegible] opinion, these statements are very serious. The sentence part [illegible] a dismissal of three men who, in endeavouring to carry out [illegible] rules, incurred the displeasure of the warden and so lost their positions, and now find themselves unable to procure employment and [illegible] course, have a black mark against them. The man Mattheews has a very fine record. I appeal to the minister that in connection with these three women impartial investigation be held. The whole case I understand has been laid before the superintendent, who is well aware of all the circumstances. I ask the minister if he has any report regarding these cases; also how many returned men have been [illegible] men for the penitentiaries?

Mr. Gardiner: I cannot give my hon. friend the figures; I have not them before me, as I did not anticipate being asked the question. But I can let him have the exact number to-morrow I think. My information is that [illegible] returned men were available. I shall get an exact statement and give it to my hon. friend.

In regard to Mattheews, from reading the report I am satisfied that he had an excellent military record in India. He joined the permanent army in February, 1908, on a temporary [illegible]. [illegible] on that he was there temporarily. In the course of the last few months [illegible]

Mr. Guthrie:

He let out those who were least useful or necessary, and in his report Pattinson's name was among those of the temporary officers to be let out. He was not looked upon as a very good penitentiary official, but there is nothing against the man that I know of. The warden reports nothing against him, but says: My orders are to let out five men, and I shall have to include this man because I do not think he will qualify as a good penitentiary men. There is nothing in the record against the man's character. In fact the warden was friendly to him, befriended him on more than one occasion. I think I let my hon. friend see the report in my office a few days ago.

The second case mentioned is that of the guard Drage. Drage had been on the staff for a considerable time. The reason for letting him out was brutality to a convict. A disturbance had been created by a mentally deficient convict, and three men were conducting him to a cell. Two men had hold of him, and for some reason which is not explained in the evidence or the report Drage drew a loaded billy or club of some kind and crashed this prisoner over the head. Subsequently the man was found insane. It was for that conduct, using that bludgeon or billy, that Drage was let out of the service. It so happened that Drage and Neild and a man named Trappitt were all employed in the censor's department of the penitentiary, and they seem to have connived among themselves against the warden, passed here, and there and everywhere, that he was breaking regulations, came to headquarters. As soon as the attention of the headquarters. As soon as the attention of the headquarters staff was drawn to the irregularities with which the warden was charged, which had to do with admitting improper letters or allowing improper letters to go out, the warden was severely reprimanded, his attention was directed to the regulations, and he was informed

Mr. Hoover:

In the case of the guard, Harry Hodgkins, the commutation of his sentence was made upon the recommendation of the Pardon Attorney, Mr. Hoover, and the United States Attorney, Mr. Hoover, who are very good authorities. But there is nothing against the man that I know of. The United States Attorney opposes nothing against him, but says: "My orders are to let the Pardon Attorney, and I shall have to include this man because I do not think he will qualify as a good penitentiary man. There is nothing in the record against the man's character. In fact the warden was personally to him, befriended him on more than one occasion. I think I get my man. Ireland see the report in my office a few days ago."

The second case mentioned is that of the guard Duncan. He had been on the staff for a considerable time. The reason for letting him out was brutality to a convict. A disturbance had been created by a mentally deficient convict, and three men were [illegible]

[illegible] which is not explained in the evidence or the report Duncan [illegible] over the head. Consequently the man was found insane. It was for that conduct, using that blackjack or jelly, that Duncan was let out [illegible]

[illegible] were all employed in the cancer's department of the penitentiary, and they seem to have [illegible] the warden, and there and everywhere, that he was [illegible] to headquarters. As soon as the attention of the headquarters, [illegible] the warden of the penitentiary [illegible] the case down to the investigation with which the warden [illegible] Harry Hodgkins, [illegible] Lawrence in Q-ward, the warden was strongly recommended [illegible] the examiner was directed to the pardon-Attorney, and he was interested

Mr. Guthrie:

definitely what his duties were.

Mr. Mackenzie (Vancouver): When was that?

Mr. Guthrie: That was prior to this incident to which I have referred. To meet the case and make it more definite the regulations were changed and they were then drawn directly to the attention of Warden Cooper. Time went on and there was conflict between the warden and these men who were practically spying on him, undermining him while he was the man in control of the institution. One man was let out on a definite charge of unnecessary cruelty. When the reduction took place another temporary emplyee named Neild was let out on the recommendation of the warden, as was another member of the staff. It would be impossible to cary on an institution of this kind if the warden was not allowed to be in charge, and if his position was to be undermined in the institution of which he was the head. It was for these reasons that Trappitt and Nield were let out. I am inclined to think these people were working pretty well together. They all complained in long letters to His Excellency the Governor General, to me and to others. All the letters were written on the same tyewriter and almost in the same language; probably they were all written at the same time. I am sorry their services could not be retained under the circumstances, but on the report of the warden approved by the superintendent they were released from the service.

Mr. Reid: The minister states that Neild was just a temporary employee. He had been employed there since May, 1929.

Mr. Guthrie: Yes, we have temporary employees who have been working longer than that.

Mr. Reid: That may be, but this man can produce wonderful testimonials in regard to the work he did prior to that time, and it seems strange that after he complained about the letters he should be let

Mr. Reid:

let out as unfit and unsuited to the penitentiary. Human nature being what it is I suppose it was only natural that once complaints had been made about the warden and he had been reprimanded by headquarters, he would not have that good feeling towards the guards that otherwise he might have had. I am not going to dicuss whether or not these man should have complained, but they evidently felt it their duty to carry out the rules and regulations, and they felt that the letters going out from certain convicts and the visits these convicts were receiving were in violation of the rules. That was admitted by the superintendent, who censured the warden. Then later these men were found to be unsatisfactory, and for that reason I ask that an impartial investigation should take place. If they had been let out previously the minister might very well say that they were not suitable for the work. A man may be a temporary employee for quite a long time, but from 1929 to 1934 is a long time for a man like Neild to be workingas a temporary employee without giving satsifaction. It was strange that only in 1934 was he found unsatisfactory for the job. I maintain, and I think the minister will agree, that he might have been found unfit because he made the complaint. In the case of Drage, he was employed for two and a hlf years. It may, as the minister says, look like collusion, but surely that would not apply in the case of Pattinson. It seems very strange that Neild, who was appointed in 1929, Drage who was appointed in 1932 and Pattinson should all get together and conspire against the administration of the penitentiary. That does not seem very reasonable to me, and I am going to ask the minister to again consider the advisability of making some further investigation. These men have not only lost their positions; they have also lost their means of livelihood, because they cannot obtain recommendations. I have letters here from

April 4, 1944, MONTA.

Dr. Mohr:

You ask me with who was involved in the penitentiary. Among other things, as he is a veteran, if he has only served that long sentence that been made about the Veterans Administration and that been transferred to penitentiary, he would not have to i.e. Leaving aside the study that attorneys in Miami have made, I am not going to discuss whether or not these men should have complained, but they avoided that simple duty to carry out the rules and regulations, and they felt that the Lawyer going out from Washington would get the Miami Army convicts were receiving were in violation of the rules. That was contained in the superintendent, who answered and returned. Then later these men were found to be unsatisfactory, and for that reason I ask that an impartial investigation should take place. If they had been not convicts but veterans since very well see that they were very privileged for the work. I need say is a temporary employee for quite a long time, but from 1929 to 1934 is a long time for a man like Dr. to be employed a temporary employee. Without giving reasons satisfactory. It was always very wrong in Washington for those responsibilities for the City, I believe, and I have the military with there, and he might have found quite someone on both the resolution. In the case of Dr., he was employed for two and a half years. It may, as the statute says, Dr. like religion, but people like a match not against in the case of Pettibone. It seems very strange that Nolle, who was employed in Army, Dr. was employed in Navy and Dr. Pettibone. Gather all put together and compare again. The administration of the penitentiary. That does not seem very reasonable to me, and I am going to ask the minister to again consider the advisability of making some thorough investigation. These men have not only lost their positions, they have also lost their means of livelihood. Perhaps they deserve great punishment. I have letters from

Mr. Reid:

Neild, who was offered a position which he could not obtain due to the fact that he could not secure a recommendation from the warden of the penitentiary. I think some further consideration should be given this matter.

I should like to know in addition how many returned men have been engaged. I do not want to put it on record in case my information is not correct, but I have a long list of non ex-service men who have been engaged. It looks as though the ex-service men who have been have been discriminated against, and if that has happened I must take very grave objection.

Mr. Mackenzie(Vancouver): I should like to say just a word or two. I have personal knowledge of the three cases mentioned by my hon. friend from New Westminster. I have been interviewed by these men; I have heard their stories; I have seen their evidence, some of it sworn, and after what I think was an impartial analysis of all the evidence that there was deliberate discrimination against these men. I think the request made by my hon. friend is very reasonable indeed, as I think the minister would be the first to admit. I have a very high personal regard for the warden, but I think there should be an outside investigation into the merits or demerits of the claims made by these three men, Drage, Neild and Pattinson, and by another man whose case was not mentioned by my hon. friedn, a man named Dickson, whose case I referred to the minister the other day by correspondence. I strongly urge upon the minister that he should have either the superintendent or some other outside person make an exhaustive and impartial investigation into these cases inorder that absolute justice may be done these men.

Speaking in all fairness, Mr. Chairman, it seems to me that if the minister refuses the very reasonable request of the hon.

Mr. Hall:

Hall, who was offered a position which he could not obtain due to the fact that he would not permit [illegible] from the prison on an unconditionally. I think that [illegible] should be [illegible] better.

I would like to know in addition how many returned men have been engaged. I do not mean in [illegible] in the department, but I have [illegible] that of men who have been engaged. If there are [illegible] discriminatory policies, then if that has happened I must [illegible] very, very objection.

Mr. Beckemeile(Vancouver): I should like to say just a word or two. [illegible] personal knowledge of the three cases mentioned by my hon. friend from Vancouver-Point Grey. I have been interviewed by these men; I have heard their stories; I have seen their evidence, some of it [illegible], and after what I think was an impartial analysis of all the evidence that there was deliberate discrimination against these men, I think the request made by my hon. friend is very reasonable indeed. I think the mt labor would be the first to admit. I have a very [illegible] request for the warden, but I think there should be an [illegible] [illegible] these men, Mr. Hall and Battiston, and by another man [illegible] mentioned by my hon. friend, a man named Dickson, [illegible] to the minister the letter [illegible].

Personally, may then the minister that he should have either the superintendent or some other outside person make an examination and inquiry in [illegible] into these cases because that absolutely just to my [illegible] these men.

Speaking in all fairness, Mr. Chairman, it seems to me that [illegible]

Mr. Mackenzie:

member for New Westminster in connection with these cases, to my mind that creates an immediate justification for the demands that have been made by the hon. member for Southeast Grey for the appointment of a commission to conduct an ivestigation throughout the Dominion of Canada. Through these particular instances, of which we have some knowledge, I think there is created at least a presumption that something is radically wrong. So far as I am concerned, in connection with the cases mentioned by my hon. friend I would be quite satisfied with the promise that even the superintendent himself would go out personally andinvestigate the grievances of these men in order to see that justice may be done in each individual case.

Mr. Guthrie: I would not have any objection to shwoing my hon. friend the file and letting him go through it, as I have gone through it, including the fifteen-page letter they addressed to me, containing complaints against the warden. I think my hon. friedn will agree that you cannot have two or three men conspiring, if I may use the word, against their superior officer and still hope for any kind of reasonable management of the institution. My hon. friend from New Westminster said Warden Cooper had been moved. The reason for his move had nothing to do with these cases. There has been a rearrangement of wardens.

Mr. Reid: I did not make that inference.

Mr. Guthrie: Then I made a mistake. But I should like my hon. friend who last spoke to go through this file. I have gone through it and I have come to the conslusion that I should follow the recommendations made to me I have read the evidence and the complaints also. I will go further; I assume that some time withing the next few months the superintendent himself will go to that point, and I will ask him to hold an investigation.

April 6, 1925, cont'd.

Mr. Bourassa:

member for New Westminster in connection with these cases, to my mind that creates an immunity [illegible] have been made by the hon. member for Southeast Grey for the appointment of a commission to conduct an investigation throughout the Dominion of Canada. Through these particular instances, of which we have some knowledge, I think there is created at least a presumption that something is radically wrong. So far as I am concerned, in connection with the cases mentioned by my hon. friend I would be quite satisfied with the promise that even the unsentimental Bourassa would go and [illegible] in order to see that justice may be done in each individual case.

Mr. Rutherford: I would not have any objection to allowing my hon. friend the file and letting him go through it, as I have gone through it, [illegible] complaints against the warden. I think my hon. friend will agree that you cannot have two or three men conspiring, if I may use the word, against their superior officer and still hope for any kind of responsible management of the institution. My hon. friend from New Westminster said [illegible] and nothing to do with these cases. There has been a repetition of wardens.

Mr. Reid: I did not make that statement.

Mr. [illegible]: [illegible] time I have gone through this file. I have gone through it [illegible] to the conclusion that I should follow the recommendations made to me I have read the evidence and the complaints also. I will say further; I assume that some time within the next few months the convict-tendent himself will go to that point, and I will ask him to [illegible] it.

Mr. Ross: This has been a rather interesting afternoon and evening so far as I am concerned. For some time I have been the sole voice asking for certain thing shwich today I hear granted. I am very much interested in the dismissals; certainly I have had my good share of trouble so far as dismissals are concerned. I do not feel that I would accept even the superintendent as investigator. I believe some person outside the institution and the department should look into these dismissals, especially when hon. members who have to bear the criticism ask for action.

I am not interested in the management of the penitentiaries. I quite agree that if he has any experience the warden should run it. Our experience has been that some wardens who did not know anything about them have run penitentiaries. To-day in Kingston we have a very good man in charge, and I have plenty of confidence in him. Although he is not a military man he has given service, has had training and is now giving satisfaction.

I speak to-night with some trepidation because I have seen so many of these things hurled across at hon. members who dare open their mouths in connection with penal matters. The record of the individual prisoner is thrown at you, as though it was something of which one should be ashamed. I know of no person either in the army or out of it who at some time or another has not been deceived. I can remember when only a few months ago a man was up for trial defended by a very celebrated member of this chamber. He forsook the case, and the witnesses ran away from him because that particular counsel was disappointed in and misled as to the character of the man. So it would seem that at times we all go amiss in these matters.

For a great many years I have been interested in two matters. Tonight the celebrated gentleman about whom I have been speaking, the hon. member for West Hamilton (Mr. Bell) has backed us

So, then, this has been a rather interesting afternoon and evening so far as I am concerned. For some time I have been the sole voice asking for certain living similar today I hear greeted. I am very much interested in the diseases; certainly I have had my good share of trouble so far as diseases are concerned. I do not feel that I would accept even the superintendent as investigator. I believe some certain citizens are qualified who the Commissioner should have into these diseases, especially when he, members who have to deal with situations as you mention.

I am not interested in the management of the penitentiries. I quite agree that if he has any experience the written should run it. My experience has been that some wardens who did not know anything about them have run penitentiries. To-day in this room we have a very good and so honest and I have plenty of confidence in him. Although he is not a military man he has given service, he is training and is now living satisfactorily.

So many of these things buried across at him. Wardens who done open their months in connection with penal matters. The record of the individual prisoner is known at your end though. It has nothing to do with one should be ashamed. I know of no person either in the army or out of it who at some time or another has not been deceived. I remember when only a few months ago a man was up for trial charged by a very educated member of my profession. The Deputy Minister and the Attorney-General were disappointed in and misled as to the character of the man. So it would seem that at times we all go amiss in these matters.

For a great many years I have been interested in two matters. Having the delegated gentlemen about when I have been speaking, the Deputy Minister for West Hamilton (Mr. Hall) has heard me

April 4, 1935, cont'd.

Mr. Ross:

up, and has spoken strongly and reasonably in favour of the appointment of psychiatrists. May I point out that the department is spending as much money upon temporary mental examinations as would be sufficient to pay for the maintenance of a permanent psychiatric department. I have in my locker in this building many references indicating that many examinations costing $10 each have been made. What has been the result? The result has been that we have proved many cases of lowered mentality in our institutions. What has been the disposition? Surely hon. members will not say that the removal of these mental cases from penitentiaries to provincial mental instituions, places from which they can run away, is a proper disposition. We know, however, that that has been the custon.

We have contended right along that these subnormal people should be treated specially and should be segregated. They are not ordinary mental cases, because we know they are mental criminals. Only today a woman came to this building to see me. Perhaps I may be pardoned if I state that I believe I am approached more often than any other member so far as penitentiary matters are concerned. This particular woman wished to speak to me about ther boy, a young lad sixteen years of age, who had been sent to penitentiary for life, despite the fact that an expert alienist had expressed the opinion at the trail that the boy had the mentality of a child of eight years. Despite the evidence of the expert this boy is in gaol for life. We do not say he should not be confined, but we do urge that such cases can be treated only scientifically, and that under our present system no scientific treatment is available.

Surely after listening to the presentation of facts offered by the hon. member for West Hamilton, hon. members will be convinced that the time has arrived when this country can afford to treat

Mr. Ross:

scientifically these mental cases. I have spoken about this matter for a number of years. I have spoken in this chamber, and I have heard the statement made not only in this building but in my own constituency that I am a thorn in the flesh to this or any other government until some action is taken in this matter. I believe a geat deal of the difficulty could be corrected and a great deal of discontent in the institutions eliminated.

There is another point about which I should like to speak, and in connection with which in the yar 1928 I presented statistics to the house. Upon that occasion the then Minister of Justice promised action. At that time I believed I had accomplished somethingi in life. I thought that the boys, the juveniles, were going to be taken out of large institutions and placed in separate buildings. Money was granted, and if hon. members consult Hansard for 1929 they will find that the then Minister of Justice, speaking from his seat in this chamber, stated that the vote was in answer to a promise given the hon. member for Kingston that something would be done before the end of the year. The money was then granted to buy the site and to begin building an institution for the juveniles. What happenod?

Mr. Power: It was given to the boys.

Mr. Ross: One class of boys got it; it went to the preferred class institution. I trust the ex-Minister of Justice will not take these observations as being in the nature of a criticism. I received the promise that the juveniles would be treated in a separate institution. Eight or nine of the best farms in the county of Frontenac were purchased, and those boys might have been cared for. But the ex-Minister of Justice called it a preferred class institution.

Mr. Lapointe: I was removed from office before construction was completed.

substantially these mental cases. I have spoken about this matter for a number of years. I have spoken in this chamber, and I have heard the statement made not only in this building but in my own constituency that I am a thorn in the flesh to this or any other government until some action is taken in this matter. I believe a great deal of the difficulty could be corrected and a great deal of disagreement in the institutions eliminated.

There is another point about which I should like to speak, and in connection with this it was [illegible] statistics in the House. Upon that occasion the then Minister of Justice proposed [illegible]. At that time I believed I had [illegible] the life. I [illegible] the boys, the juveniles, [illegible] away out of large institutions and placed in separate buildings. [illegible] was granted, and hon. members consent [illegible] for 1929 they will find that the then Minister of Justice, speaking from his seat in this chamber, stated that the vote was in answer to a promise given the hon. member for Kingston that something would be done before the end of the year. The money was then granted to buy the site and to begin building an institution for the juveniles. What happened? [illegible] Is [illegible] in the House.

[illegible] I trust the ex-Minister of Justice will not take these observations as being in the nature of a criticism. I received the promise that the juveniles would be treated in a separate institution. [illegible] one of the best farms in the county of Frontenac were purchased, and those boys might have been cared for. But the ex-Minister of Justice saw fit to [illegible] these institutions.

[illegible] I was [illegible] [illegible] [illegible]

Mr. Ross:

It is not completed yet. Seven years have passed since the building was begun, and I do not know that it is much above the ground even yet. That building was to be for the treatment of juveniles. However, I am satisfied that I have done something, because again and again I have stood in this chamber and pleaded the unfairness and injustice of putting boys in penitentiaries. The Minister of Justice has said that boys are not placed in penitentiares. Well, I would ask him to be sure on that point, because I know that up to July, 1934, under the criminal code these boys could be sent to no other place. Up to July, 1934, the magistrates of this country had no alternative but to send to the penitentiaries boys under sixteen years of age who were found guilty of certain crimes, but a boy over sixteen could be sent to another institution. Can hon. members imagine legislation such as that? I have before me a letter from a magistrate saying, "Why do you not change that provision?" Last year the magistrates met in the city of Barnia and received the instruction that they need no longer send these boys to the penitentiaries.

I am satisfied I have done some good. This whole matter is now given to us in a new light. We are told that this mental condition can be cured by glandular treatment. No doubt there are inmates in our penitentiaries who could be cured by this treatment. A great field is opened up in connection with this treatment which is being practised in England.

I was told that I was wrong in my statement in connection with the Borstal system. It was said that I knew nothing about penology and was absolutely wrong in my presentation of the case. In view of this I could hardly believe my senses when I found that the speech from the throne contained the statement that some action was to be taken in this regard. If the minister does nothing else, if

Mr. Chase:

It is not completed yet. Seven years have passed since the building was begun, and I do not know that it is much above the ground even yet. That building was to be for the treatment of juveniles. However, I am satisfied that I have done something. I come again and again I have stood in this chamber and pleaded the martyrdom and injustice of sending boys in penitentiaries. The Minister of Justice has said that boys are not placed in penitentiaries. Well, I would ask him to go into our jails, because I know that up to July, 1954, under the criminal code these boys could be sent to our jails. In the city, also, we maintained a home where we had no alternative but to send to the penitentiaries boys under sixteen years of age who were found guilty of certain crimes, but a boy under sixteen could be sent to another institution. Can hon. members imagine legislation such as that? I have before me a letter from a magistrate saying, "Why do you not change that provision?" Last year the magistrates and in the field of juvenile and criminal law, when they need no longer send these boys to the penitentiaries.

I am satisfied I have done some good. This whole matter is now given to us in a new light. We are told that this method of treatment was used in Alberta. We don't know there are many cases in our penitentiaries who could be cured by this treatment. A great field is opened up in connection with this treatment which is being practised in England.

I was told that I was wrong in my statement in connection with the central agency. It was said that I knew nothing about juvenile and was absolutely wrong in my presentation of the case. In this I would humbly believe my senses when I found that the agency from the United Kingdom and the statement that some action was taken years ago in this regard. It has multiplied since then.

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Mr. Ross:

he carries out this one thing, he will be worthy of a crown of glory.

I cannot say that I agree with the minister with regard to the superintendent; I believe he is the wrong man to send there.

Mr. Guthrie: Would I do?

Mr. Ross: You would be better if you would do it!

Mr. Guthrie: I will do it.

Mr. Ross: Then I say: Good Luck to you. I cannot accept the word of this superintendent. When the trouble was on in Kingston I did not go near him but he came to my house and made me a definite promise in connection with dismissals. He failed to carry out that promise. We are hearing so much today about how you can depend upon government officials, but I want to state openly that the promise made to me was not kept. I have not as much confidence in the gentleman as I had before.

Much has been said about the thirty new improvements. As far as I know, most of these were made long ago. One of the improvements mentioned was the privilege granted to Jews, but to my knowledge that given twenty years ago. Another was the ten dollars given to a man when he leaves, but that has been in effect for years.

Mr. Guthrie: Those are not among the thirty improvements mentioned.

Mr. Ross: The one connection with the Jews was. That is nothing new. Reform is in the air, and I am glad. I am not pleading for any milder treatment; what I am pleading for is the scientific treatment of this question.

Another matter to which I should like to refer is the dismissal of five guards which occurred in February. It was stated that this was a necessary reduction in staff, but I think these men should have been kept on until at least the month of April. Five men were thrown out into the cold when we should expect more charity

Lord, I, [illegible], unwind.

Mr. Tower:

In carrying out this one thing, he will be worthy of a crown of glory.

[illegible]

[illegible]

Mr. Rose: You would be better if you would do it.

Mr. Gutcher: I will do it.

Mr. Tower: [illegible]

[illegible]

[illegible] to meet him but he came to my house and made me a definite promise in connection with dismissals. He failed to carry out that promise. We are hearing so much today about how you can depend upon government officials, but I want to state openly that the promise made to me was not kept. I have not as much confidence in the gentlemen as I had before.

Much has been said about the thirty new improvements. As a matter of fact, some of them are made from [illegible] improvements mentioned was the privilege granted to Iowa, but to my knowledge that [illegible] [illegible] given by [illegible] and when he leaves, but that has been in effect for years.

Mr. Gutcher: [illegible]

Mr. Rose: The one connection with the Iowa was. That is nothing [illegible] settlement; what I am pleading for is the scientific treatment of this question.

Another matter to which I should like to refer is the [illegible] to live [illegible] in [illegible]. I was [illegible] that this was a necessary reduction in staff, but I think these men should have been kept on until at least the month of April. Five [illegible]

Mr. Ross:

from a government institution. These men should have been kept on until the spring.

This whole question needs most serious consideration, and I think the government should consider the appointment of psychiatrist to act in these institutions.

Mr. Guthrie: Mr. Chairman, I should like to say a word or twonon the question of psychiatrists and psychologists. This matter has been given slose study by the department. The following will be found on page 46 of the report of last year:

> It is recommended that a full-time psychologist should be employed in each penitentiary. Funds are not available in the appropriation for 1933-34. If this recommendation is approved, the appointments should take place early in the year 1934-35.

The estimates now before us provide for a psychiatrist and psychologist for each penitentiary, although no appointments have yet been made.

Last October a report was made to me by the superintendent and at the same time I received other requests from other quarters to consider the use of the Borstal system in Canada. Early in December a strong appeal was made in the form of a petition, and this was referred to by thehon. member for East Toronto (Mr. Church). At that time it was decided that the Borstal system would be started if at all possible, and for that reason there is included in this vote an amount sufficient to supply a psychiatrist and a psychologist for each penitentiary. The superintendent placed before me a report of His Majesty's commissioner of prisons for England. This gentleman made an examination of prisons in the United States and he devotes a chapter of this report to classification and examination by psychiatrists and psychologists. This report is the foundation for the suggestion that these men be appointed as soon as the Borstal system is established. The writer of this report, a man of great

Mr. Hoag:

from a government institution. Those men should have been kept on until the college.

This whole question needs most serious consideration, and I think the government should provide more appropriate [illegible] to act in these institutions.

Mr. Hepburn: Mr. Chairman, I should like to say a word or two on the question of psychiatrists and psychologists. Some months ago there given close study by the department. The following will be found on page 46 of the report of last year:

It is recommended that a full-time psychologist should be employed in each institution. Funds are not available in the appropriation for 1920-21. If this recommendation is approved, the appointments should take place early in the year 1921-22.

The estimates now before us provide for a psychiatrist and psychologists for each institution, although no appointments have yet been made.

Last October a report was made to me by the superintendent [illegible] that also that I considered vital reports from other quarters to consider the use of the Borstal system in Canada. Early in December a private meeting was held in the form of a petition, and this was signed by [illegible] Mr. Justice Teskey (Mr. Hepburn). It is the desire that the Borstal system should be adopted [illegible] Mr. Hepburn. There is [illegible] in this province or Canada. Briefly a psychiatrist and a psychologist [illegible] been published. The Superintendent plans [illegible] a report of his Majesty's commissioner of prisons for England. This gentleman [illegible] examination of prisons in the United States and to [illegible] the director of this report to classification and examination by psychiatrists and psychologists. This report is the foundation for [illegible] suggestion that [illegible] as soon as the Borstal system is established. The writer of this report, a man of great

experience, says:

The distinction between the psyhiatrist and the psychologist is at first confusing to the English layman. The former is usually a qualified medical man who concerns himself with the problems of mental disease. The latter is commonly not a medical man, but one who has taken a university degree in psychology and concerns himself with the character of a man, the play of his emotions, the strength of his instincts and inhibitions, and the relation of all these things to his conduct.

This eminent authority on prisons points out that both a psychiatrist and a psychologist should be on the staff of a penal institution, and they are on the staff of the Borstal institution in Great Britain.

There seems to be misapprehension in connection with the treatment given to those who become insane in our penitentiaries. If a patient shows any signs of mental deficiency or insanity of any kind he is kept under close daily observation by the physician in charge of the institution. This officer is not a qualified psychiatrist but is a qualified physicism, and particularly one who has mixed with his patients and, has a general knowledge and idea as to the mental condition of humanity. In any case which excites suspicion the best available experts are called in. At Kingston members of the staff of Queen's Eniversity and other practitioners in the city are called in. It requires a certificate of two physicians to commit a man to an asylum in Ontario. A prisoner who comes in and remains in the institution for three months and subequently becomes insane becomes a charge of the dominion under the statute. A prisoner who becomes insane within three months after entering the institution becomes a charge on the province whence he came, under the Penitentiary Act, the assumption being that the man was mentally defective at the time he came in and was a proper charge against the province. But an insane prisoner is not kept within the penitentiary

The distinction between the psychiatrist and the psychologist is at first confusing to the English person. The former is usually a qualified medical man who deals primarily with the problems of mental disease. The latter is usually not a medical man, but has taken a degree in psychology, and deals in particular with the problems of his institutes and laboratories, and the relation of all things to bad conduct.

This eminent authority on prisons points out that both a psychiatrist and a psychologist should be on the staff of a penal institution, and they are on the staff of the Borstal Institution in Great Britain.

Mr. Guthrie:

he is immediately sent to the provincial institution for the treatment of the insane.

I grant you that there has been some delay in the removal of some men who have been pronounced insane, but the reason has not been any neglect on the part of the penitentiary officials. All that is necessary is the certificate that the man is insane, then I sign the warrant for his immediate removal, and the same day a letter is dispatched to the provincial authorites requesting them to take the patient. If he has been more than three months a prisoner the dominion has to pay for him; if he has been less than three months a prisoner, the province. But the provinces are not as well equipped in some instances in regard to insane patients as they should be, and many times we have had the reply that we must wait because there is no vacancy. Under those circumstances whe have had to maintain the prisoner, sometimes a week, sometimes two weeks and sometimes three weeks before we have been able to get him placed in the provincial institution. The best care possible is taken of him, the best we can afford at all events, and as soon as there is a place in the provincial institution he is removed.

Mr. Howden: Do most of these cases occur within or after the three months?

Mr. Guthrie: It is hard to say. I have known instances that have occurred within a few days. I commuted the sentence of a woman in the west. She was removed to the women's prison as a liferprisoner and she had been there ten days when she was pronounced hopelessly insane. I know of another case in the west, where a man's sentence was commuted to life imprisonment. He was less than a month in the Prince Albert penitentiary and was pronounced insane and removed to an institution called Ponoka in Alberta. The majority of cases are

Mr. Cantrie:

he is immediately sent to the provincial institution for the treatment of the insane.

I grant you that there has been some delay in the removal of some men who have been pronounced insane, but the reason has not been any neglect on the part of the penitentiary officials. All that is necessary is the certificate that the man is insane, then I sign the warrant for his immediate removal, and the same day a letter is despatched to the provincial authorities requesting them to take the patient. If he has been more than three months a prisoner the condition has to pay for him; if he has been less than three months a prisoner, the province. But the provinces are not as well equipped in some instances in regard to insane patients as they should be, and many times we have had the reply that we must wait because there is no vacancy. Under those circumstances we have had to maintain the prisoner, sometimes a week, sometimes two weeks and sometimes longer even before we have been able to get the patient in the provincial institution. We have very carefully in each of them, the best we can afford at all events, and as soon as there is a place in the provincial institution he is removed.

Mr. Bowden: Do most of these cases occur within or after the three months?

Mr. Cantrie: It is hard to say. I have known instances that have occurred within a few days. I remember the sentence of a woman in the east. She was received in the women's prison as a lifer-prisoner and she had been there few days when she was pronounced hopelessly insane. I know of another case in the west, where a man's sentence was commuted to life imprisonment. He was less than a month in the prison at Kingston penitentiary and was pronounced insane and removed to an institution called Ponoka in Alberta. The majority of cases are

Mr. Guthrie:

those of over three months, though there are a good many who become insane within the tree month period. We have altogether seventy-six criminal insane in the various asylums.

Mr. Ross: I am afraid the minister misunderstood me. The complaint is not as to detention or length of detention but it is this, that in the classification you have the mental case--that is, the criminal-and you have the other case, the man who is not a criminal but goes to the provincial institution.

Mr. Guthrie: Ours are all criminal.

Mr. Ross: Exactly. Those cases admitted to the penitentiary are of the criminal clas and therefore they should not be sent to the provincial institution. They should be treated as mental criminals. It is not a question of detaining the man; I think the whole situation should be cleared up. Take the situation with regard to the youth of the country. You have the dominion government treating them in a certain way and the provinces treating them differently. I hold that the two authorities should get together and decide upon one way of treating the yout. If the Borstal system is good for the dominion it should be good for the province also. I understand that the Borstal system takes in the class from siteen to twenty-one only.

Mr. Guthrie: That is in England, though we might extend it here.

Mr. Ross: I do not see the necessity for sending anyone to England; we could take the sytem and use it in our own way, because the English system will not answer. You have the provincial institutions and the dominion institutions in this country, I think that everyone who goes to a penitentiary is a mental criminal and should not be treated in a provincial institution where people are treated for recovery. That is an important point. I am not saying that the department does wrong but I say that the system is wrong, and perhpas the best way

Mr. Guthrie:

those of over three months, though there are a good many who become insane within the three month period. We have altogether seventy-six criminal insane in the various asylums.

Mr. Bosse: I am afraid the minister misunderstood me. The complaint is not as to detention or length of detention but it is this, that in your classification you have the mental case--that is, the criminal--and you have the other case, the mental case, which is not a criminal but goes to the provincial institution.

Mr. Guthrie: Sure are all criminal.

Mr. Bosse: Exactly. Those cases admitted to the penitentiary are of the criminal class and therefore they should not be sent to the provincial institution. That should be treated as medical criminals. It is not a question of detaining the man; I think the whole situation should be cleared up. Take the situation with regard to the youth of the country. You have the juvenile delinquent--treating them in a certain way and the provinces treating them differently. I hold that the two authorities should get together and decide upon one way of treating the youth. If the federal system is good for the dominion it should be also good for the provinces also. I maintain that the federal system takes in the class from sixteen to twenty-one only.

Mr. Guthrie: That is the tendency, though we might argue it into the house. I do not see the necessity for the existing system to continue. I would move the abolition of the system with our experience. I think the penitentiary in a medical criminal and should not be treated in a penitentiary. It should be a psychiatrical institution where people are treated for recovery. That is an important point. I am not saying that the department does not do all I say that ought to be done, but the impression that my

Mr. Ross:

would be to have every case examined previously. We did that at the front. I do not like to refer to this, but one or two boys were shot for desertion and the thing struck a few of us then as being wrong. We felt that an examination of these boys would show that they had a mental, nervous condition that they could not resist the strain, and it was wrong to execute them. What happened? I recommended to headquarters that an alienist be sent us and every one of our cases in the Canadian corps was examined by that alienist before it went to court martial. The result was that we saved some boys from an unreasonable and an unjust death, and we were the only corps on the whole front that adopted that method. I throw that out as a suggestion which might well be adopted in the courts. You would not have three doctors testifying one way and three testifying the other, with the result that the boy goes to penitentiary for life, It would not do any harm if we had the whole matter threshed out. Perhaps I am a little obsessed; someone may tell me I am cracked on the subject. But I have had my heart touched when I have seen boys coming as they do to Kingston, knowing that they are mentally wrong. There is something wrong with the system, and surely we are big enough to correct it whithout party politics or criticism of the minister or the ex-minister. I am not saying that these boys who are sent to the penitentiary are not criminals; but remember this--the boy you see issome father's boy, some mother's boy, and they have suffered through an unjust system which I think we should correct.

Mr. Lapointe: Before the vote is taken on this item I should like the minister to answer the plea of my hon. friend from Southeast Grey for the appointment of a royal commission to investigate all conditions in the penitentiaries. I hesitate to say anything about the matter because I do not want to add any material to the flames;

Mr. Poser:

would be to have every case examined carefully. We did that at the front. I do not like to refer to this, but one or two boys were shot for desertion and the firing squad a few of them as being crazy. We felt that on examination of these boys would show that they had a mental, nervous condition that they could not resist the strain, and it was wrong to execute them. What happened? I recommended to headquarters that an alienist be sent us and every one of our cases in the Canadian corps was examined by that alienist before it went to court martial. The result was that some boys were sent home as unreasons le and on mental ground, and we were the only corps on the whole front that adopted that method. I throw that out as a suggestion which might well be adopted in the courts. Men would not have three doctors testifying one way and three testifying the other, with the result that the boy goes to penitentiary for life. It would not do any harm if we had the whole matter threshed out. Perhaps I am a little obsessed; reasons may bail me I am crazed on the subject. But I have had my heart torn when I have seen boys coming as they do to Kingston having their lives ruined unnecessarily. There is something wrong with the system, and surely we can fix it so that a coward is without every political or religious or the political or the [illegible] [illegible]. I am trying [illegible] [illegible] in the [illegible] and political [illegible] [illegible] Jacques Cartier's day, some matters [illegible], and they have suffered through an military system which I think we should avoid.

Mr. Jamieson: Before the reporter leaves, I should like to [illegible] to answer the plea of my [illegible]. Friend from Dauphin [illegible] for the appointment of a royal commission to investigate all [illegible] matters in the penitentiaries. I believe in any [illegible] [illegible]

The matter contains I do not want to add any material to the [illegible]

Mr. Lapointe:

I know the difficulties which the minister has to face in the administration of this branch of the department. I agree with much of what he said this afternoon, but there is no doubt that there is a strong current of public opinion in favour of an investigation, if only to prove to those who have wrong ideas regarding the conditions that they are mistaken. There are many weel disposed people who are sincere in the matter. I remember an interview I had a few months ago with Archdeacon Scott, of my city, whose public spirit on a questionof this kind is second to none, and he besought me to try to convice my hon. friend that an investigation was necessary to satisfy public opinion with regard to this question. I would simply ask my hon. friend at least to consider the demand of the on. meber for Southeast Grey in that respect.

We are talking about reforms everywhere, even in the penitentiary branch. The minister said the other day, in connection with a ghastly incident relating to the hanging of a woman in Montreal, that this was under provincial jurisdiction. He is quite right as to that, but I wonder whther we should not, if we retain capital punishment--and I am not prepared to say that we should do away with it--have a change, because this is the criminal code of the country, in the method of execution, so that it should be carried out only in a penitentiary and not in any district. I believe the electric chair or some other device might be preferable to this rmnant of old days when such things as we have read about in the papers recently are likely to happen. I just suggest to my hon. friend that the question ought to be studied, and I think it is a reform that should be brought about in this country.

Mr. Guthrie: I have a very strong opinion that in each province a central place might be established where these unfortunate cases would

Mr. McDONAGH:

I know the difficulties which the minister has to face in the administration of this branch of the department. I agree with much of what he generally--[illegible] that have been made in a strong current of public opinion in favour of an investigation, if they are mistaken. There are many well disposed people who are sincere in the matter. I remember an interview I had a few months ago with a [illegible] friend, [illegible] my hon. friend that an investigation was necessary to satisfy public opinion with regard to this question. I would simply ask my hon. friend at least to consider the demand of the on. member for Southeast Grey in that respect.

We are talking about reforms everywhere, even in the penitentiary branch. The minister said the other day, in connection with a country institution [illegible] in [illegible] Kamloops, this was under provincial jurisdiction. He is quite right as to that, but I wonder whether we should not, if we retain [illegible] with it--have a change, because this is the criminal code of the country, in the method of execution, so that it should be carried out only in a penitentiary and not in any district. I believe the Ontario [illegible] Davis might be receptive to this [illegible] such things as we have read about in the [illegible] I just suggest to my hon. friend that the question might be [illegible], and I think it is a [illegible] that should be brought [illegible].

Mr. LAZARUS: I have a very strong opinion that in each province a [illegible] should be established where these undertakes cases would

Mr. Guthrie:

be dealt with. There is nothing I loathe more than to have to deal with such matters, because I have to devote so much time to them and have so much worry about them before the final word goes forth. But I am inlined to think there would be less comment, less objection and perhaps no miscarriages if a central place were established. I do not know that I am in favour of the electric bhair. I have heard opinions expressed both for and against, and whether it is more or less human than our system it is pretty hard to say. But the suggestion is well worth considering, and I assure my hon. friend that I will consider the plea he has now made and see whether anything can be done in the way he suggests in regard to a commission.

Mr. Heaps: It is not often I intervene in a debate of this kind, although perhaps I have good reas n to do so. I have the unique distinction of knowing what the inside of a penitentiary is like, and also what the inside of a gaol is like.

Mr. Jacobs: Why is the hon. member always boasting about that?

Mr. Heaps: I am not boasting about it, but it gives me a reason or excuse for saying a few words with a little more authority than those who have spoken previously on the question. Some of them say that they were voluntary visitors for a few minutes; I happened to be an involuntary visitor to both institutions for a few months. I had an opportunity some years ago of seeing what the reactions of some of the inmates were to the treatment they were receiving. One of the first points that struck me was the fact that one met so many people ther who had committed probably the same offence for which many different sentences had been given by magistrates or judges. When these people meet together and have an opportunity of discussing the various offenced for which they have been sentenced, there is nothing that causes more dissatisfaction than for one man who

Mr. Heaps:

received from a magistrate a sentence of , say, eighteen months for a certain offence to find that another man had been sentenced by another magistrate six months for the same offence. In connection with the administration of justice in this country there ought to be some board that would review sentences so that there might be something in the way of uniformity of punishment of those who have committed a similar class of crime. I have heard these prisoners discuss these questions and they often feel aggrieved at the sentences that have been imposed upon them. Instead of coming out of the institution better men than they were when they entered it, they come out with a grievance and possibly with the intention of committing another crime, and in many cases it is not long before those who come out with a grievance fall again into the meshes of the law.

Another point that struck me is that many of those who are in these institutions are really mental or medical cases rather than criminals who should incarcerated in penitentiaries. My impression is that a very large percentage of the prisoners would probably respond much quicker to medical or mental treatment than they do at the present time to that which they receive in those institutions. I believe fully fifty per cent of the prisoners are mentally far below normal, and there ought to be some new method of dealing with that type of case with a view to providing that they shall not mix continuously with the hardened criminals whom we find in our penitentiaries and gaols.

I do not know whether the minister has made any statement to-day with regard to the segregation of prisoners. One of the most pitiful sights inside our gaols and penitentiaries is that of the young boy who goes in for the first time in his life, probably for a minor offence, perhaps because he has been unable to pay a fine that

Mr. Heaps:

has been inflicted upon him and is compelled to associate with hardened criminals. For Example, a boy of quite respectable family who was unable to meet a fine of twenty dollars for speeding had to go into gaol and there mix with hardened criminals. I just wondered whether there was not some way by which such an offender, compelled to go into a penal institution, might receive treatment of a type that at least would make him a better citizen when he came out than he was when he went in.

May I add a word to the plea that has been made by the former Minister of Justice? In view of the widespread dissatisfaction that is at present manifest in our penal institutions, would it not at this time be right and proper for the Minister of Justice to appoint a commission to investigate all the penal institutions in this country and to bring in recommendations that would improve the administration of the law? There is at the present time and has been for a year or so past a good deal of dissatisfaction inside the penitentiaries; it has not been confined to one of them. Had the outbreak occurred at Kingston only, we could say that it was just an outbreak in one institution where probably ther might have been a few bad inmates, but we find the same thing taking place in these institutions in different parts of the country at one and the same time. Consequently I feel there must be some cause for the dissatisfaction that is manifesting itself in these penitentiaries, and I hope the Minister of Justice will acced to the various requests that have been made to him both today and in the past few months to appoint a strong commission that will make a thorough investigation into our penal institutions.

Mr. Euler: I should like to support the suggestion made by the ex-Minister of Justice with reference to two phases of the subject under

Mr. Euler:

discussion. Complaints have been presented from time to time for several years with regard to the administration of the penitentiaries. These ought to be investigated and cleared up. This is not said with any idea of criticism of the present Minister of Justice, but I think it would be in the public interest to appoint an unbiased commission to make such investigation.

The other matter I wish to discuss for a moment is that of capital punishment, or the method of execution practised in this country. Some seven or eight years ago there was a debate in the house as to whether capital punishment should be discontinued entirely. My own thought was and still is that we should abolish capital punishment. I question very much whether the fear of capital punishment is a deterrent to the crime of murder. But the point I desire to make now is that if we are to continue capital punishment, as a civilized people we certainly ought to discard the barbarous method of hanging. It seems to me it is a degradation of the human body which is repulsive and against all the instincts of decent and civilized people. Whether we should adopt the method of electrocution, and I suppose that is really the only alternative, I am not prepared to say. Further, whether a new method is adopted, or whether we continue the present practice of hanging, it certainly should not be carried out in the community in which the convicted person lives, because as everyone knows,--I have experienced it a number of times--when the execution is imminent and is carried out, there is a pall of horror over the community for atleast a day. I should not think the people of the community should be subjected to that horror. The minister has already said he will take this matter into consideration. I commend that decision and urge serious consideration of the advisability and necessity of institutin a different method than hanging,

April 4, 1955, Monday.

Mr. Speaker

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Mr. Euler:

and of having executions carried out in some central place and not in the community in which the offence was committed.

Mr. Campbell: It is not often that the hon. member for Kingston (Mr. Ross) and meself can agree on any subject dicussed here, but we do when it comes to the well-being of the people of Kingston and Frontenac-Addington. To-night we have the chance to agree on matters affecting the well being of the unfortunate people who find themselves confined in our penal institutions. It falls to us to witness either fortunately or unfortunately some of these young lads who are sent to the penitentiary as they appear on entering the city of Kingston. It is a sorry sight to see them, manacled to a strong and upstanding man, going off to spend part of their life or perhaps their entiere life in confinement. It has been my privilege in my professional and business experience to handly a lot men and to hire a good number, and I feel I can say from my observation that the majority of these lads entering the penitentiary appear at first sight to be mentally deranged in some way. I heartily agree with the suggestion that psychiatrist and psyhologist should be appoirnted to very such institution. I also agree with the request of the hon. member for Southeast Grey (Miss Macphail) and others that a royal commission or some such body be appointed to investigate the entire subject of prisons throughout the dominion. I agree with the hon. member for Kingston City that we in that section cannot take the work or the judgment of the superintendent of penitentiaries. I say that in all seriousness, because I know the feeling of the residents of the district onaccount of the actions of the superintendent and his staff since he has taken the position he now holds. I could refer to many dismissals from Kingston and Collins Bay penitentiaries on

Mr. Campbell:

which I think the hon. member for Kingston City and myself would agree. I have before me a return concerning one dismissal which certainly is not political, because I am looking at a letter signed by the hon. member for Kingston City, in 1933 backing up this individual. He was appointed by the former conservative government in 1920. The reasons advanced in this return cannot be accepted either by meself, because I happen to hnow of the ability, the reliability and honesty of this man; for at one time he did some work for me and for different concerns with which I was connected. I point out also that although this gentleman passed his civil service examination and was going to be employed by another department of the government in some way, one of the officials of the Department of Justice prevented his receiving the position. That is the way some of the boys have been treated under the autocratic, military regime of the present superintendent.

We in the county of Frontenac and the city of Kingston felt, as did the hon. member for Kingston City, that when the Collins Bay penitentiary was started it was to be a place of detention for unfortunate youth. I do not know why that plan was not carried out. That penitentiary at the present time is a sorry spectacle. It was started about seven years ago, and everyone who travels between Toronto and Montreal in the train sees the state it is in, the main building with steel work up and the stone scarcely above the ground, as the hon. member for Kingston City has said. I noted this afternoon that the minister stated in connection with the setting up of the Borstal system that there might need to be some construction carried on in some penitentiaries, especially St. Vincent de Paul, and probably that would mean that a contract would have to be let. I am wondering why it was that contruction of the Collins Bay

Hon. Chairman:

I think the hon. member for Kingston City and myself would agree. I have before me a return concerning one dismissal which apparently is not political, because I am looking at a letter signed by the hon. member for Kingston City. In 1930 backing up this individual. He was appointed by the former conservative government in 1920. The reasons advanced in this return cannot be accepted either by himself, because I happen to know of the ability, the reliability and honesty of this man; for at one time he did some work for me in the Alfredian Theatre with which I was connected. I point out also that although this petitioner passed his civil service examination and was going to be employed by another department of the government in Ottawa, he - the attaché of the Lieutenant of Prince Edward Island - reversed his receiving the position. Oh! it is the way some of the boys have been treated under the autocratic, military regime of our present superintendent.

So in the county of Frontenac and the city of Kingston I, the hon. member for Kingston City, then when the outline of the penitentiary was started it was to be a place of detention for unfortunate youth. I do not know very much about a penitentiary, but that penitentiary at the present time is a sorry spectacle. It was started about seven years ago, and everyone who travels between Toronto and Montreal in the train sees the place it is in, the main building with steel work up and the stone scarcely above the ground. I read the Lieutenant-Governor of Ontario's speech and saw that the minister-elect is connected with the government system that the minister might need to be some consideration in regard to it more particularly, especially Mr. Vaughan as well, and probably that would open the - [illegible] [illegible] the minister may if one that [illegible] of the minister

Mr. Campbell:

penitentiary was held up, although there is plenty of convict labour there. Was it held up to award a contract to some other political friends? I happen to know that the city of Kingston almost a year ago, as a chance to find a way to use some of their unemployed labour, offered to build a part of a needed water main to the Collins Bay penitentiary. The department did not see fit to accept that offer, but have since done it, not by convict labour but by other labour employed by the department, natually at an advanced cost to the department.

I do not want to take up any more time, but only to say, coming from a constituency which is quite familiar with all the happenings in the Kingston and Collins Bay penitentiaries, that we in that section of the country feel that a royal commission should be appointed to investigate the actions both of the department and of the wardens and staffs, and so forth, in the different penitentiarie.

Mr. Guthrie: I think my hon. friend should have given to the committee the full facts of the Van Alstyne case.

Mr. Campbell: I have them here.

Mr. Guthrie: I think they should have been given. This man was relieved of his position because of his own actions. During his employment as a guard, or whatever his capacity was--

Mr. Campbell: He was not a guard; he was confidential clerk to the warden.

Mr. Guthrie: Well, I am afraid that will not help the matter at all. He was convicted of the offence of driving a car while intoxicated, and conviction of a criminal offence is one of the things we do not tolerate in the staffs of our penitentiaries. It is alleged by this man, this clerk or guard or whatever he was, that this was not the reason; he said that I overlooked that offence, or that I forgave him.

penitentiary was built up, although there a party of convict labour [illegible]. Was it held up to award a contract to some other political [illegible]? I happen to know that the city of Kingston almost a year ago, as a chance to find a way to use some of their unemployed labour, offered to build a part of a needed water main to the Collins Bay penitentiary. The Government did not see fit to accept that offer, but have since done it, not by convict labour but by a bona labour employed by the Government, actually at an advanced cost to the Government.

I do not want to take up any more time, but only to say, coming from a constituency which is quite unlike anything happening in the Kingston and Collins Bay penitentiaries, that we in that section of the country feel that a royal commission should be appointed to investigate conditions [illegible] at the Government and [illegible] penitentiaries, and so forth, in the different penitentiaries. I think my hon. friend should have gone to the committee the full force of the Van Alstyne case.

Mr. CAMPBELL: I have [illegible].

Mr. Cubbins: I think they should have been given. This man was relieved of his position because of his own actions. Having his employment as a guard, or whatever his capacity was--

Mr. Campbell: He was not a guard; he was a confidential clerk to the warden.

Mr. Cubbins: Well, I am afraid that will not help him much, at all. He committed of the offence of driving a car while intoxicated, and conviction of criminal offence is one of the things we do not condone in the staffs of our penitentiaries. It is allowed by this [illegible] clerk or guard or whatever he was. [illegible] that I forgave him, [illegible] that I approved that offence, or that I forgave him.

Mr. Guthrie:

The facts are that he did not turn up for duty one day. It was learned that he was in the hopistal, and the warden went to see him. The man said? "I have had a motor accident; I will be all right in a day or two." That was all that was reported to me. Any man may have a motor accident, but subsequently it turned out that there was something more. This man was summoned and convicted of driving a car while intoxicated, and that was why he was released from the penitentiary staff. I am sorry to say that in other penitentiaries we have had to do the same thing.

Mr. Campbell: But may I say to the minister that there are several reasons given here, of which that happens to be one.

Mr. Guthrie: That is the reason, and I forgot to mention another matter.

Mr. Campbell: Then I am glad to know that this was the reason. It is true that this gentleman was convicted of driving a car while drunk, but at the time he was under the jurisdiction of the militia as one of the officers in charge of A Company of the fourth battalion. He was on leave of absence from the department, and if anyone had jurisdiction over him at that time it must have been the Department of National Defence.

Mr. Guthrie: All I can say is that even if he were on his holidays and it came to my knowledge that he had been guilty of an offence against the criminal code, I would act in the same way. A man who has a record of that kind should not be in an institution where he is looking after criminals who have broken the law; they do not like to see a man over them who has done the very same thing.

Mr. Campbell: Then that is all the more reason why we in that section of the country ask for a royla commission to investigate the penitentiaries. There happened to be another bentleman with this

Mr. Campbell:

man at the time; that second man is still on the penitentiary staff--

Mr. Guthrie: He was not convicted of driving a car while drunk.

Mr. Campbell: But I could give other cases which have been held up--

Mr. Guthrie: Unfortunately I have had to act in the same way in regard to friends, if I may use that word, of my own.

Mr. Heaps: May I ask the minister if he would be good enough to inform the committe as to whether he is prepared to appoint a commission of investigation?

Mr. Guthrie: No, I will not inform the committee. I have only been asked to consider the matter, and I promised that I would do so.

Item agreed to.

2444 —

LONG ADJOURNMENT.

HON. H. LAPOINTE:

The speech from the throne proceeds:

My government has under consideration the adoption, throughout the penitentiaries of Canada, of a system similar to that which is known in England as the Borstal system, and is making investigations as to its operation.

My hon. friend the Minister of Justice (Mr. Guthrie) said when his estimates were before the committee last Thursday that he has that in mind, that it is his intention to establish this system, but that there are technical matters to consider and that he is going to send the superintendent of penitentiaries to the old country for the purpose of making inquiry as to how the system works there, which means further delay. Why not proceed with this thing, or why not have proceeded earlier? The chances are that even with the adjournment of five weeks it will not be ready until the next session.

MR. GUTHRIE: There is no legislation required for this.

MR. LAPOINTE: Then why not establish it?

MR. GUTHRIE: Because we do not know enough about it.

MR. LAPOINTE: But the minister stated that in the speech from the throne.

MR. GUTHRIE: BUT NOT AS A MATTER FOR LEGISLATION.

MR. LAPOINTE: Parliament has nothing to do with it then?

MR. GUTHRIE: No, the Penitentiaries Act would provide the authority to establish that system in the penitentiaries.

Mr. Lapointe: Then it was hardly worth while putting it in the speech from the throne.

MR. GUTHRIE: I thought it was an important announcement.

(pp 2509)

THE KING'S SILVER JUBILEE.

REMISSION OF CERTAIN PERIODS OF SENTENCES IMPOSED ON PRISONERS.

Mr. William Irvine (Wetaskiwin): Mr. Speaker, I should like to ask the Minister of Justice if it is the intention of the government to grant amnesty to prisoners on the occasion of His Majesty's jubilee, and if so whether there is any statement he would like to make to the house in that connection.

Hon. Hugh Guthrie: (Minister of Justice): Mr. Speaker, I shall answer the question in the affirmative, but I must say the procedure will not amount to an amnesty. We will follow the procedure laid down at the time of the diamond jubilee of Her late Majesty Queen Victoria, and again at the diamond jubilee of confederation in 1927. It will consist of a remission of one month per year on any sentence imposed upon prisoners serving sentences of six months or over. Then, I should add that in cases of prisoners whose conduct records are good an additional month per year may be allowed.

(pt2823)

THE KING'S SAFE CUSTODY.

PROVISION OF CERTAIN PRISONS IN NEW ZEALAND.

Hon. Mr. Lewis (Wellington): Sir, however, I would like to see the MINISTER of Justice if it is the intention of the Government to give necessary to prisoners on the cessation of the Jubilee's Jubilee, and if so whether there is any statement he would like to make to the House in that connection.

Hon. Mr. Tolbrie: (Minister of Justice): Mr. Speaker, I am ill answer the question in the affirmative, but I must say the procedure will not amount to an amnesty. We will follow the procedure laid down at the time of the diamond jubilee of Her Majesty Queen Victoria, and again at the diamond jubilee of coronation in 1902. It will consist of a remission of one month per year on any sentence imposed upon prisoners serving sentences of six months or over. Then, I should add that in cases of prisoners where convict records are good an additional month per year may be allowed.

(Prices)

ST. VINCENT DE PAUL PENITENTIARY -
Supply of Milk.

MR. POULIOT:

1. Were tenders called for in 1935 in connection with the supply of milk at St. Vincent de Paul penitentiary?

2. If so, on what date, what are the names of the tenderers and the amount of each tender?

3. Was the contract awarded?

4. If so, to whom for what amount, and on what date?

MR. GUTHRIE:

1. Yes.

2. March 19, 1935 - Mount Royal Dairies Ltd., Montreal, 5,500 gallons at 30¢ gallon; Donat Legris, St. Vincent de Paul, 5,500 gallons at 24¢ gallon; Alderic Desaultels, St.Vincent de Paul, 5,500 gallons at 24¢ gallon; Elmhurst Dairy Ltd., Montreal, 5,500 gallons at 28¢ gallon; Pierre Archambault, St. Vincent de Paul, 5,500 gallons at 25¢ gallon.

3. Yes.

4. Alderic Desaultels, St. Vincent de Paul, 5,500 gallons at 24¢ gallon; April 3, 1935.

MINUTES OF PRESENT DAY OF

June 3, 1940 Minute 17

M. Vincent de Leur, CONSULTANT -
Supply of Milk.

Mr. McGlynn:

1. Does Montreal have an ample supply of milk for its requirements?

2. If so, in what form, and are the terms of the contracts and the source of that supply?

3. Has the contract expired?

4. If so, to whom has it been awarded, and on what terms?

Mr. Vincent:

1. Yes.

2. Farm L. Leo - Dunn Royal Dairies Ltd., Montreal, 8,000 gallons at 8½¢ gallon; Good Health, M. Vincent de Leur, 2,000 gallons at 8½¢ gallon; Alberta Beaudrets, St.Vincent de Leur, 8,000 gallons at 8½¢ gallon; Elmhurst Dairy Ltd., Montreal, 1,500 gallons at 8½¢ gallon; Pierre Larochelle, M. Vincent de Leur, 2,000 gallons at 8½¢ gallon.

3. Yes.

4. Alberta Beaudrets, M. Vincent de Leur, 2,000 gallons at 8½¢ gallon until April 2, 1940.

Hon.HUGH GUTHRIE (Minister of Justice): Mr. Speaker, some little time ago my hon. friend from Quebec East (Mr. Lapointe) asked me if any statement would be made in the house in regard to the establishment of the Borstal system in the penitentiaries of the Dominion of Canada. I have now obtained what is called an interim report on the subject from the superintendent of penitentiaries together with a number of appendices, some five or six, which if the house will permit me I would like to put on Hansard for the benefit of the members.

The superintendent of the penitentiaries visited Great Britain and returned about the first of June. During his visit there he carefully examined many of the leading Borstal institutions. Those particularly noted in the report are the ones at Wormwood,Scrubs, Wandsworth, Feltham, Portland, Rochester, Lowdham Grange. Those are the leading Borstal institutions in England at the present time.

In his interim report the superintendent sets out in a good deal of detail his observations, and I would particularly draw to the attention of the house the statement contained in appendix "B" which sets out the youthful population in Canadian penitentiaries as of the seventeenth day of June last. In Kingston penitentiary there are 42 under the age of 21 years; in St.Vincent de Paul, 92; in Dorchester penitentiary, 46; in Manitoba penitentiary, 33; in British Columbia penitentiary, 19; in Saskatchewan penitentiary, 22; in Collins Bay penitentiary, 12. Of course the house is aware that by far the larger portion of youthful offenders in Canada are not in the federal institutions but are in provincial reformatories, prisons, gaols, homes and various other provincial institutions.

The superintendent reports that the Borstal system may be introd-

used into Canadian penitentiaries within the next sixty days. There will be no legislation necessary to achieve this end. The Penitentiary Act is already broad enough to provide for it. There is sufficient in the penitentiary vote to cover all the expenses of instituting that system in the Canadian penitentiaries. Some additional staff will be required as is set out in the report and it will be necessary to construct some additional buildings but in the opinion of the superintendent this system can be made applicable to the Canadian penitentiaries within sixty days and be based almost precisely upon the system now in effect in Great Britain. In Great Britain the prison population is under a single government, the prison commission. They do not have provincial institutions to deal with such as we have. There are many different prisons and the report gives a fairly good idea of what is accomplished in this respect in the leading Borstal institutions in Great Britain. The government is prepared to adopt the Borstal system in Canadian penitentiaries for the youthful prisoners. I ask leave of the house to have this report placed on Hansard for the use of hon. members. The report reads:

Memorandum to the Deputy Minister of Justice
Re: Interim report on the Borstal system of England.
Re: Convicts under twenty-one years of age in Canadian penitentiaries.

1. By direction, the undersigned proceeded to England for the purpose of making an exhaustive study of the Borstal system, with a view to advising the government as to how best it could be tried out in Canada, arriving in England on Sunday, April 30, 1935, and embarking for Canada on Saturday, May 25, 1935.

2. The undersigned reported to the home office on Monday, May 1st, and here begs to express his deep appreciation of the courtesies extended to him by the Home Secretary, the chairman of the prison commission, the prison commissioners and the governors and officers of Borstal institutions and prisons.

3. Commissioner A. Paterson, M.C., devoted some time to the undersigned, and apparently came to the conclusion that the undersigned had a sufficiently wide knowledge of the Borstal system that a program might be immediately arranged for visits to Borstal institutions, with a view to making an exhaustive

study of the management and training of the young prisoners who are inmates of Borstal institutions.

4. The program arranged carried the undersigned through all stages, from the institution of reception to the institution where the greatest amount of liberty is permitted to the Borstal inmate, and included the following institutions:

Wormwood Scrubs (Reception and classification centre);
Wandsworth (Institution for least hopeful cases; disciplinary institution);
Feltham (Institution for treatment of apparent defectives, mental and physical);
Portland (Institution for the training of amenable but more sophisticated "lads.");
Rochester (Institution for amenable, less sophisticated lads);
Lowdham Grange (Open prison system for training of hopeful cases transferred from other Borstal institutions).

5. "Borstal training is a combination of mental, moral, physical and industrial training of a strenuous kind. It is not a fixed system, but like other progressive systems, is in a state of flux." Vide The Modern English Prison, page 181.

6. The undersigned is of the opinion that similar training and treatment can be put into effect for convicts under twenty-one years of age in Canadian penitentiaries, and recommends same (see appendix "A").

7. It is further recommended:

(a) That for the putting into effect of the training and treatment hereinbefore mentioned, all convicts under twenty-one years of age should be segregated into one building, in each penitentiary.

(b) That the classification board of each penitentiary, with the augmentations hereinafter referred to, would proceed to select the youthful convicts who would be amenable to, and would benefit by, the type of training hereinbefore referred to (see appendix "B").

8. It is also recommended that each penitentiary staff should be augmented by the appointment of one specially selected person for each thirty youthful convicts confined in each penitentiary, with a minimum of two such persons in any one penitentiary. Persons so appointed might be called supervisors and assistant supervisors of youthful convicts, and would have duties corresponding to housemasters and assistant housemasters in Borstal institutions, i.e., the supervision, management, treatment and training of youthful convicts outside of working hours. Such persons would be in addition to, and distinct from, custodial officers (see appendix "C").

9. It is respectfully submitted that accomodation is

study of the assessment and training of the young prisoners who are inmates of borstal institutions.

4. The problem arises because the maladjusted person at stage, from the institution of training to the institution where his greatest needs or liberty is required in the social fabric, has injected the criminal influence.

Borstal Training Institutions and the multiplying activity: Maladjusted (Institution for least hopeful cases) Disciplinary institution;
Hilldon Institution for treatment of aggressive behaviour, social (no criminal);
Portland (Institution for the problem of dangerous but more maladjusted "jail.");
Wakefield (Institution for mentally ill and psychopathic [illegible] criminals, from experimental [illegible] Dorset Grange (open prison for training of borstal cases transferred from other borstal institutions).

6. "Borstal training is a combination of mental, moral, physical and industrial training of a strenuous kind. It is not a final system, but like other preventive systems, is in a state of flux." (See the Lewis Report, page 1).

5. The conclusion is of the opinion that whether training and treatment can be put into effect for suitable young persons of one to twenty-one years of age in Borstal institutions, all recommendations (see appendix "A").

7. It is further recommended:

(a) That for the various type effect of the training and treatment preliminary medical, all convicts under twenty-one years of age should be segregated into one building, in open penitentiary.

(b) That the classification board of each penitentiary with the assistance parliamentary relatives to, would provide treatment the criminal convicts who would be amenable to, and would benefit by, this type of training, particulars contained in [illegible] appendix "B").

8. It is also recommended that each penitentiary staff should be assisted by the appointment of one specially selected person for work during regular medical assistance in each penitentiary, with a minimum of two such persons in our penitentiary. Further be recommended which be added activities and existing disciplines of prohibit activity, and would also be active correspondent to [illegible] and [illegible] assessment in Borstal institutions, i.e., the experiment, programme, treatment and training of prohibit activity units of penitentiary. Such persons would be in activity to, and distinct from, existing activities (see appendix "C").

9. It is respectfully submitted that assessment is

either available, or can be made available in a comparatively short time, in each penitentiary, for the segregation of youthful convicts, each penitentiary being considered an institution of reception and classification, similar to Wormwood Scrubs in England (see appendix "D").

10. When discharged from a Borstal institution, an inmate is on licence to the Borstal Association for the unexpired portion of his sentence, and a further year in addition. The prison commission of England states that "The Borstal Association represents one-half of the Borstal system." The Borstal Association is a private body, and is made up of interested persons who are acceptable to the Home Office, there being approximately one member of the association for each lad actually on licence.

11. If such an organization were brought into being in Canada, the membership would be limited to those persons who would agree to act as the adviser and confidant of a youthful convict during the portion of his sentence that he was under conditional release (see appendix "E").

12. It is respectfully submitted that the aforementioned treatment, training, classification and aid after release from an institution could be brought into effect without any amendment to presently existing legislation, or any augmentation of the penitentiary vote for the year 1935-36.

13. It is respectfully submitted that whereas the treatment of youthful convicts in England, as now carried out under the Borstal system, was definitely considered in 1894, and whereas the Borstal Act was not passed until 1908, and that whereas innumerable changes were made in the Borstal system between 1914 and 1919, and that still more drastic changes were made between 1921 and 1935, the inauguration of this type of treatment and training should not be unduly rushed in Canada, but should be developed step by step, only as rapidly as the staffs and youthful convicts can absorb well-thought-out changes. Insufficiently considered, or too rapidly brought about, changes, might work to the lasting detriment of the objects intended to be obtained.

14. It is respectfully submitted that, in view of the experimental work carried out in England and the information so generously made available to Canada, that good results may be obtained and a scheme be put into well running condition in the number of years equivalent to the number of decades that the matter has been under consideration, experimentation and operation in England.

Respectfully submitted.

D. M. Ormond, Superintendent.

APPENDIX "A"

Outline of Proposed Training for Youthful Convicts in Penitentiaries

[illegible]

[illegible]

[illegible]

1. Broadly speaking, the great majority of youthful convicts find themselves in penitentiaries due to a weakness of inhibition arising from a lack of early training at home, which has not been fully assisted by the church, the school, and social organizations interested in the welfare of youths. The majority of these youths have been guilty of crimes of acquisitiveness:--theft, burglary, housebreaking, and embezzlement. Less than one-quarter of them have been guilty of crimes of passion, i.e., sexual offences, indecencies, assaults, and crimes of violence.

2. Largely on account of the reasons above-mentioned, and the acquisitiveness of their natures, these youths have displayed an utter disregard for the rights of property. It is therefore the duty of the penitentiary service to as far as possible correct existing conditions.

3. In a large number of cases, these youths have been guilty of offences, and have been released on suspended sentence; a repetition of the offence, or a new offence, has caused them to serve terms in industrial schools, reformatories or jails, and the courts have finally decided that a long term of confinement in a penitentiary is necessary. There are youths, however, whose first known offences are of so heinous a character that the public sense of decency demands that they be confined over a considerable period, the courts deeming it inadvisable to commit them for a short term of imprisonment, believing that a long period is required for an all-round programme of training.

4. It is the duty of the penitentiary to make an assay of the youth, in an effort to discover his possibilities and to develop them as far as the limitations of an institution will allow. It is platitudinous to state that reformation must begin with the

youth himself. The institution can only provide him with the opportunities and assistance in bringing about a change of outlook and a better standard of morals and ethics.

5. The management of youthful convicts is an interesting and fascinating duty, but should only be attempted by optimistic persons who are not discouraged by failing to obtain the results aimed at. The training of youthful convicts is of necessity based on the belief that there is a very large amount of what is known as "good" in each youth, and that if the proper chords are touched, that favourable reactions will follow. The supervisors of youths require a genius for understanding and exceptional gifts of leadership.

6. The following excerpts are taken from "The Principles of the Borstal System," published by the prison commission. Home Office, 1932:

> ".....The task is not to break or knead him into shape, but to stimulate some power within to regulate conduct aright, to insinuate a preference for the good and the clean, to make him want to use his life well, so that he himself and not others will save him from waste. It becomes necessary to study the individual lad, to discover his trend and his possibility, and to infect him with some idea of life which will germinate and produce a character, controlling desire, and shaping conduct to some more glorious end than mere satisfaction or acquisition.
>
> A Borstal institution is not an end in itself, but a laborious means to the reformation of offenders between the ages of sixteen and twenty-one. The training necessary for a change at that age cannot be completely effected during the two or three years spend within the walls. The lad leaves his institution robust in figure and of confident mien, sometimes a shade too confident, but no one knows whether he is reformed, for no man may call himself a swimmer until his feet are off the ground."

7. The following excerpt is taken from "The Modern English Prison," page 185:

> "The routing of the institution is that of an active day of 15 hours, beginning with physical training, continuing

youth himself. The institution can only provide him with the opportunities and assistance in arriving about a change of outlook and a better standard of morals and conduct.

8. The management of youthful offenders is an interesting and fascinating duty, but should only be undertaken by optimistic persons who are not discouraged by failing to obtain the results aimed at. The training of youthful offenders is of necessity based on the belief that there is a very large amount of good in even an "evil" minded person, and that if the proper objects are learned, that intermediate reversion will follow. The institution or prison can provide a genius for understanding and sympathetic guide of leadership.

9. The following quotations are taken from "The Principles of the Juvenile Court," published by the Yale University Press, 1914.

"....The child is not to be made or treated the same as any other person, but as an individual he is varying in various important ways. In instances a guardian for the good and welfare of the child, in his own home, is the right way, or the only way. In other cases, by that is usually the best way, in the long run. In many cases institutional care is necessary. In some the isolation and, in exceptional cases, the punishment will produce the desired results. Institutional care, and in rarer cases in every case, the training and discipline will provide the opportunity, and in rarer cases in every case of life. Such will provide opportunity and provide a connection, instituting reality, and training enough to keep more physical and time more satisfactorily or negatively.

A Juvenile institution, in not an end in itself, but a temporary means in the reformation of offenders between the ages of sixteen and twenty-one. The training necessary for a change of that age must be specifically adapted during this period of life, and must be specifically adapted to meet the needs of the individual. The job, the job or large great special skills the skills. The job, learning the industrial school industrial and or building also, providing a place for a contract, but of one kind whether in a factory, but by one job with itself a method until his last are all the effects."

9. The following article is taken from "The Juvenile Delinquent" page 1921:

"The problem of the institution is that of an active day or in loco, dealing with individual training, instilling

"with eight hours work in workshop or outdoor party, and ending with 1½ or 2 hours of school or study. To place first things first, the work a lad does during his training falls into three stages. First with the cleaners, doing the necessary domestic work: then, while awaiting a vacancy in the trade party to which he has been allotted, he may have a spell of heavy outdoor work with a labouring party, which is good both for his character and his physique. Finally, he passes into a trade party. In the workshops good class work in carpentry and metal work is carried out with power machinery, and employment is also found at tailoring, shoemaking, cooking (especially training for sea cooks), gardening, farming (some institutions have farms of considerable size, all have some land and stock), various adjuncts of the building trades, and other minor trades ....."

8. The foregoing is in effect in penitentiaries, with the exception of the study period at the end of the day abovementioned. The appointment of supervising officers will meet this requirement for these officers would be principally employed in work with the youths from the closing of the shop in the afternoon up to 8.45 in the evening.

9. Equipment for study and gymnasia training can readily be arranged in the corridors of those places segregated for the confinement of youthful convicts.

10. A widely varied syllabus of education presently exists, which provides elementary education for the exceptionally backward and correspondence courses for the more advanced, and can readily be adapted to include branches of education not presently touched.

11. The separate training of youthful convicts should include at least one hour per day of physical training, in addition to volunteer evening classes in gymnastics, the intention being not only to improve physical fitness, but to teach the correlation of mind and body. The physical side might be developed to include certain recreational activities, either as a part of, or in addition to, the regalat physical training.

APPENDIX "B"

SEGREGATION AND CLASSIFICATION

with eight hours work in workshop or outdoor party, and ending with 12 or 1 hours of rest or study. On going first taken ctors, saw-pits or log-dump during his training fell into very states. Start with low distance, doing the concentric dumbells short time, with exercise-frequency in the fresh body is which he has been allotted, he may have a small of heavy outdoor work with a labouring party, which is good both for his digestion and his physique. Finally, he passes into a trade party. In the workshops good plans work in carpentry and metal work is carried out with power machinery, and carpenters in also found at building, blacksmithing, welding (especially welding for rock crushers), mechanics, fitters (electricians, have knowledge of machinery-gas, oil burners and steam) and other trades of the building trade, and water-boiler lighting .....".

9. The foregoing is in effect in particulars, of the position of the study method at the end of the day's occupations. The elaboration of supervision of these will meet the requirements. These officers would be principally employed in work on the ports from the closing of the shop in the afternoon up to 8.45 in the evening.

10. Implement the study and practice techniques and practice in classes in the evaluation of these points recognised for the management of potential convicts.

10. A widely varied syllabus of educative programme and practical elementary education for the more-backwardly educated and environmental problems for the more educated, and not really be adapted to include branches of education not presently taught.

11. The concerted training or physical exercise should include at least one hour per day of physical training. In addition to voluntary practice classes in gymnastics, the instructor taking not only in-house physical training, but in fact the responsibility of mind and body. The physical side is the foundation to leading outside recreational activities, whether a lad of, or in addition to, the regular physical training.

APPENDIX "E"

DESCRIPTIVE LIST OF CONVICTS

JULY 5/35
VOL.IV

1. All youthful convicts in penitentiaries at the present time are in either of the following classifications:

(a) Convicts having no previous conviction, under twenty-one years of age;
(b) The large intermediate class, having had experience in reformatories, gaols or penitentiaries.

2. It is submitted that all youthful convicts should be segregated into one building, or a segregateable part of the building, in each penitentiary, for the purposes of observation and re-classification, so that selection may be made of those for whom it is considered treatment as youthful convicts would have beneficial results.

3. On June 17, 1935, there were 266 youthful convicts in Canadian penitentiaries, confined as follows:

Kingston penitentiary	42
St. Vincent de Paul penitentiary	92
Dorchester penitentiary	46
Manitoba penitentiary	33
British Columbia Penitentiary	19
Saskatchewan penitentiary	22
Collins Bay penitentiary	12

4. It is submitted that instructions should be sent to each warden, outlining the steps to be taken for the classification or re-classification of each youthful convict. The first classification would be carried out by the existing classification board, which would be augmented at the earliest possible time by the officers referred to in appendix "C", but no delay in the elementary classification need be caused by a delay in filling the new positions recommended.

5. Suitable questionnaries can be sent out to the parents or nearest relatives of the youth, to the church, school and convicting magistrate or judge, and to any other person whom it is con-

sidered would be in a position to supply useful information. This is the normal method of commencing case-work for institutions and welfare bodies.

6. In those cases in which the classification board considered that special examinations would be required, in order to classify the youth, such special examinations could be carried out by physicians, surgeons, or psychiatrists, according to the requirements of the case.

7. After all available information has been procured concerning each youth, decision would be made as to whether or not he would continue with the "youthful convict" group, or be returned to "A" or "C" classification.

8. In anticipation of the developments presently under consideration, the Laval buildings at St.Vincent de Paul penitentiary, and Collins Bay penitentiary, were commenced, and construction is being pressed forward.

9. The Laval buildings at St. Vincent de Paul penitentiary will provide employment for youthful convicts for some years to come. Within the next twelve months, the work at Collins Bay penitentiary will be sufficiently far advanced to utilize it entirely for the segregation of youthful convicts from Ontario, and, if necessary, the maritime provinces.

10. As an indication of the lines which may be followed in making the classification, the following is quoted from "The Principles of the Borstal System," published by the prison commission, Home Office, 1932, chapter IV:

"It may be maintained that, as no two lads are the same, only a policy of separate confinement can provide a perfect system

[illegible]

[illegible] would be in a position to supply useful information. This is the normal method of commencing case-work for institution and [illegible] training.

5. In these cases in which the classification board considered that special provisions would be required, in order to classify the youth, such special arrangements would be carried out by psychiatrists, teachers, or psychologists, according to the requirements of the case.

6. After all available information has been obtained concerning each youth, decisions would be made as to whether or not he should continue with the "probationary period", or is returned to "A" or "B" classification.

8. In anticipation of the developments presently under consideration, the Laval building at St.Vincent de Paul penitentiary, and Dollard Des penitentiary, were commenced, and construction is being pushed forward.

9. The Laval building at St. Vincent de Paul penitentiary will provide necessary for youthful offenders for some years to come. Within the next twelve months, the part of Dollard Des penitentiary will be sufficiently far advanced to utilize it entirely for the accommodation of youthful offenders from Ontario, and, if necessary, the maritime provinces.

10. As an indication of the [illegible] which may be followed in making the classifications, the following is quoted from "The Guide of the Juvenile Court" published in the [illegible] [illegible], [illegible] 1941.

"It may be mentioned that, as no two lives are the same, only a [illegible] classification can provide a problem and [illegible]

of classification. This reductio ad absurdum shall not, however, deter us from proceeding with as sensible a scheme as we can devise. The first purpose of classification is positive, and consists in putting a lad in such a milieu as is likely to draw out what is best in him. Ideally, therefore, each Borstal lad should be drafted to a group of honest and intelligent lads, to whose level he would wish to aspire: This by the nature of things is impossible; there are too many rogues and not enough honest lads. For this reason the courts rightly hesitate before committing a first offender to a Borstal institution. But it is possible within rather narrow limits, in assigning a lad to an institution or a house or group, to put him in a place where there is someone or something that will stimulate the better side of him. The second purpose of classification, and it should always be kept in the second place, is the avoidance of contamination. One evil spirit can poison the tone of a whole house, and every Borstal officer is keen to watch the effect of one lad upon the others. A clique may form whose influence on each member is undoubtedly evil . Such a clique will be scattered among different houses or institutions. Transfer and reclassification are ready to our hand to prevent corruption, and should be employed without hesitation where the reasonable prospect of a risk has been established by those who have observed. The community must be protected even at the cost of disturbance to the individual.

The advantages attaching to the system of progressive grades which has grown up have already been outlined. The history, however, of every such system points to certain dangers against which we must guard. As time passes, each grade tends to be more easily attained, each privilege more easily won, till what was once a concession is acclaimed as a right, and the lad who is really remaining stationary is found to be proceeding automatically from the bottom to the top. Steps must repeatedly be taken to ensure the difficulty of ascent, so that the minimum of promotion may reward a maximum of effort. This can be done by emphasizing the responsibilities rather than the privileges associated with each grade, and by a merciless reduction when these responsibilities are not fulfilled. Each grade carries a lad a little further towards freedom. He is practising his wings, developing his power of choice between right and wrong. This is a more difficult life than that of confinement and repression. He must show that he justifies the trust and is indeed growing more fit for freedom. If he fails, he must return to the lowest order where it is easy to be good, and wait a little while before taking a step forward again towards liberty. Further, we must scrutinize very closely the claim of the lad for promotion. Let it not come to him. Lay rather the onus on him to show that he has stretched himself to reach it.

Promotion there must be, leaders must be chosen. These are necessary and indeed valuable factors in the system. It is, however, necessary to guard lest a little authority may overbalance a lad, and he may be so convinced of his own importance as to lose proportion, and think that on discharge

he will still be a leader, wearing badges of distinction known to all. This is a grave disservice to the lad, for never does he need humility so much as when he leaves the institution and re-enters a world whose only memory of him is adverse. Let, therefore, promotion bring responsibility and balance, steadying the lad and not inflating him, teaching him to be free and self-reliant, but not to be cocksure.

APPENDIX "C"

AUGMENTATION OF PENITENTIARY STAFF

1. In the English prison service, as in the Canadian penitentiary service, the staff consists of superior and subordinate officers. In England the superior officers are appointed by the secretary of state; in Canada, these officers are appointed by the governor in council. In England the subordinate officers are appointed by the prison commissioners; in Canada they are appointed by the superintendent of penitentiaries, in consultation with the inspectors, after having received recommendations from the wardens of penitentiaries.

2. It is submitted that the introduction of separate training for youthful convicts would require the creation of new positions in the penitentiary service, the duties of which would be similar to those performed by housemasters and assistant housemasters in the Borstal institutions of the prison service of England.

3. It is submitted that, if authorized, the new positions might be called, "supervisor" and "assistant supervisor" until such time as a shorter or more appropriate descriptive name for each position is decided upon.

4. It is submitted that these positions should be graded as coming within the classification of superior officers, the appointment to the position of supervisor being made by the governor in council, and the appointment to the position of assistant supervisor to be made by the superintendent of penitentiaries, after consultation

with persons outside of the penitentiary service. It is considered that the position of supervisor should be filled by promotion from assistant supervisor.

5. The duties of supervising officers, would be entirely in connection with the management, training and treatment of youthful convicts, particularly during the periods outside of house set aside for labour, (see appendix "A").

6. A study of staff requirements indicates that there should be one supervising officer for each 30, or part of 30, youthful convicts, and that not less than two of these officers should be employed in each institution, even when there are less than thirty youthful convicts confined in the institution.

7. The persons selected to fill the supervisory positions require to be men of good character, good education, even temperament, optimistic nature, possessed of good common sense, untiring patience, athletic, and having a wide experience in dealing with men. The hours of duty would be long, broken, and making heavy demands on the physical and mental capacities of the supervisory officers.

8. The rate of pay for these positions may be left for the present, but it is considered that it should be approximately that of chief trade instructor for a supervisor, and that of chief keeper for a supervisor, and that of chief keeper for an assistant supervisor.

9. In the initial stages, the subordinate officers, including trade instructors, doing duty with the youthful convicts, could be specially selected from existing staffs, and would be given a special course of training before being assigned to these duties.

10. The matter of the creation of the positions of matrons would

with persons outside of the penitentiary service. It is considered that the position of supervisor should be filled by promotion from assistant supervisor.

5. The duties of supervising officers, would be mainly in connection with the management, training and treatment of prisoners-wards, particularly during the periods during which they are under the labour, (see appendix "A").

6. A study of staff requirements indicates that there should be one supervising officer for each 30, or part of 30, penitential convicts and that not less than two of these officers should be employed in each institution, even when there are less than thirty penitential convicts contained in the institution.

7. The persons selected to fill the supervisory positions require to be men of good character, good education, even temperament, epithetic nature, possessed of good common sense, multiple talents, athletic, and having a wide experience in dealing with men. The hours of duty vary as long, irksome, and exhibit heavy demands on the physical and mental assistance of the supervisory officers.

8. The rate of pay for these positions may be left for the present, but it is considered that it should be approximately that of that trade instructor for a supervisor, and that of solid trades for a supervisor, and that of solid trades for an assistant supervisor.

9. In the initial stages, the supervising officers, including trade instructors, have duty with the transfer convicts, until the specially selected from existing staffs, and would be given a special course of training before being assigned to these duties.

10. The nature of the problems of matters would

come up for consideration after the separate training had been inaugurated and further experience had been gained.

11. If the positions of supervisors should be decided upon, it would be necessary to assemble the officers appointed at some central point for a period of intensive training.

APPENDIX "D"

BUILDINGS AND ACCOMODATION

1. "The principles of the Borstal system," published by the prison commission, home office, 1932, commencing at the bottom of page 20, reads as follows:

> "The Borstal system has no merit apart from the Borstal staff. It is men and not buildings who will change the hearts and ways of misguided lads. Better an institution that consists of two log huts in swamp or desert, with a staff devoted to their task, than a model block of buildings, equipped without thought of economy, whose staff is solely concerned with thoughts of pay and promotion. The foundations of the Borstal system are first the recruitment of the right men, then their proper training and finally their full cooperation with one another in an atmosphere of freedom and mutual understanding."

2. The prison commission of England strongly believes in the foregoing, and has adhered to the policy throughout the developments of the Borstal system in England.

3. It was not until the year 1930 that the experiment at Lowdham Grange was commenced, this being the first and only Borstal institution not surrounded by a high boundary wall.

4. Lowdham Grange houses only the selected lads who are considered to be the most hopeful cases, for whom the full period of training will probably not prove necessary (vide "The Modern English Prison," page 180).

5. In Wormwood Scrubs, the Borstal lads are confined within the

mend as for municipalities where the separate services had been incorporated and further expenditure had been curtailed.

11. If the positions of supervisors should be graded down, it would be necessary to assure the officers concerned at some material point for a period of indefinite tenure.

APPENDIX "C"

SUPERVISOR AND ATTENDANT GRADE

1. "The principles of the Borstal system," published by the prison commission, home office, 1936, commenting on the boston of page 20, reads as follows:

> "The Borstal system can be merit exert from the Borstal start. It is men and not buildings who will change the hearts and lives of delinquent lads. Native an initiation that each contains of who lad turns in among so desert, all is a start devoted to their task. Then a model block of building, equipped at least should of economy, where start in order concerned at thoughts of joy and reconstruction. The foundations of the Borstal system are first the personnel of the right men, then their proper training and finally their full cooperation with one another in an atmosphere of trouble and mutual understanding."

2. The prison commission of England strongly believes in the foregoing, and has adhered to the policy throughout the development of the Borstal system in England.

3. It was not until the year 1940 that the experiment at Lendham Tudgay was commenced, this being the first and only Borstal institution surrounded by a high boundary wall.

4. Lendham Grange houses only the selected lads who are considered to be the most hopeful cases, for whom the full period of training will probably not prove necessary (vide "The Borstal Training Prison," page 180).

5. In Wormwood Scrubs, the Borstal lads are mostly street hard

same boundary wall but in a separate building from short term prisoners and prisoners held on remand.

6. The Borstal buildings form a part of Wandsworth prison. Feltham is an old reformatory building converted to use as a Borstal institution. Rochester and Portland were both convict prisons.

7. When making observations on the question of walls, bars on the windows, and other security measures, the undersigned was reminded that the great public schools of england are enclosed within high walls, with broken glass on the top, and that the windows are barred, these precautions being considered reasonable and necessary to assist in the management of the high-spirited and youthful students, and that there does not appear to be any reason why similar arrangements should not be made when controlling ~~in~~ youths who have been proven to be delinquent.

KINGSTON PENITENTIARY

8. On this date there are 42 convicts in Kingston penitentiary under twenty-one years of age. These could very acceptably be accommodated in the old prison for women, presently utilized for the confinement of selected convicts who are receiving special treatment.

9. Presently before the department is a recommendation to segregate "C" corridor of Kingston penitentiary for the purpose of housing the most unsatisfactory type of convict in that institution. If that is put into effect, it would leave available the east cell block, which might be used for the treatment and segregation of specially selected convicts over twenty-one years of age, or, in the alternative, it might be utilized for the segregation and treatment of youthful convicts.

[illegible]

[illegible] boundary wall but is a separate building from which here prisoners and patients hold on remand.

6. The central building form a part of Kingston's prison. [illegible] is an old reformatory building converted to use as a mental institution. [illegible]

7. Even making concessions on the question of walls, bars on the windows, and other security measures, the conditions [illegible] that the good public schools of England are enclosed within high walls, all broken glass on the top, and that the windows are barred. Moral considerations being considered reasonable and necessary in order to the management of the kind-hearted and youthful members, and that there are [illegible] in [illegible] and [illegible] should not be made [illegible] in [illegible] to be [illegible].

Kingston [illegible]

8. On this date there are 48 convicts in Kingston penitentiary under twenty years of age. [illegible] confined in the old prison for women, presently utilized for the confinement of [illegible] convicts who are receiving special treatment.

9. Currently before the department is a recommendation to [illegible] the institution of Kingston penitentiary for the purpose of housing the most [illegible] type of convict in that institution. If this is put into effect, it would leave available the east cell block, which could be used for the confinement of [illegible] [illegible] [illegible] years of age, or, in the alternative, it might be utilized for the segregation and treatment of [illegible] [illegible].

10. By putting up a brick wall, in the yard a subdivision could readily be arranged in which youthful convicts could carry out their exercises out of view of the other convicts.

11. These youthful convicts could be employed in separate shops, or parts of shops partitioned off from the adult convicts, arrangements being made to pass them to and from work at different hours from those of the older convicts.

ST. VINCENT de PAUL Penitentiary

12. In St. Vincent de Paul penitentiary there is existing a cell block containing 104 cells, in which the 92 youthful convicts in that institution could presently be segregated for classification and study purposes. Arrangements to proceed to and from work in shops or gangs could be made in a manner similar to that recommended for Kingston penitentiary.

DORCHESTER Penitentiary

13. There are 46 convicts under twenty-one years of age in Dorchester penitentiary. One corridor of the north wing could be readily segregated for the confinement of youthful convicts. It would only require the opening of a door from this corridor into the prison yard, and the erection of a short wall, to make a self-contained exercise-ground for the youthful convicts.

MANITOBA Penitentiary

14. There are presently 33 convicts under twenty-one years of age in Manitoba penitentiary. The south side of the east wing could be immediately put aside for the accomodation of youthful convicts. The rearrangement of the penitentiary yard to provide separate exercise-grounds for convicts is presently under consideration. One of the segregation areas could be specially retained for the exercise of

youthful convicts.

BRITISH COLUMBIA Penitentiary

15. On this date there are 19 youthful convicts in British Columbia penitentiary. The north side of the east wing in this penitentiary could be set aside for the accommodation of youthful convicts, and one of the large lawns could be set aside for exercise-grounds. Arrangements could be made to have work carried out to meet the situation.

SASKATCHEWAN Penitentiary

16. There are on this date 22 convicts in Saskatchewan penitentiary under twenty-one years of age. The north side of the east wing of this penitentiary could be segregated for the confinement of youthful convicts, with a large exercise-ground immediately adjacent thereto, which would be out of sight and out of hearing of other convicts.

COLLINS BAY Penitentiary

17. This institution should eventually take all youthful convicts received in Ontario, but until such time as the construction of the cell blocks and the wall is further advanced, it is not considered that youthful convicts should be transferred to this institution. At the present moment there are only 12 convicts under the age of twenty-one years in Collins Bay penitentiary. Any of these convicts having more than three months to serve might be transferred back to Kingston penitentiary until the dates of their release.

18. The undersigned fully realizes that certain persons interesting themselves in the introduction of the Borstal system into Canadian penitentiaries will publicly express strong protests against

such steps being taken or considered, and will advocate the immediate purchase of new lands and the immediate erection of new buildings by contract. Such protests and recommendations could be considered, but in any event, it would be twelve to eighteen months before land could be purchased and buildings erected, whereas the scheme of segregation outlined above can be put into effect within sixty days of the receipt of instructions to do so, and would in any event be necessary during the period of classification of youthful convicts and the selection of those whom it was considered would receive benefit from the type of treatment recommended.

APPENDIX "X"

Re: Conditional Release and Aid after Discharge.
Re: Borstal Association.

1. The Borstal Association is a semi-official body, acting under the presidency of the home secretary and an executive committee, with central office in London, and approximately one associate for each lad released from a Borstal institution, the associate acting as adviser, confident, big brother, and friend to the lad during the continuance of the licence under which he is released.

2. The parents of a lad, or a friend, acceptable to the home secretary, may be, or act as, the associate for the lad, but in those cases in which the home surroundings are unsatisfactory, or the lad has no relatives, an associate is found for him.

3. When an associate is selected, he is called upon to interest himself in the lad, and to give him advice, and also "to act in two capacities, the reconciliation of which requires a good deal of tack - first as friend and adviser, then as policeman"; and even the first of these needs boundless sympathy and understanding, for firmness

such steps being taken or considered, and will always be immediate
purchase of new lands and the immediate erection of new buildings by
contract. Such buildings and improvements would be considered, but
in our mind, it would be wrong to eligible during future land
or otherwise and building permits, because the amount of capital
utilised above can be put into effect within their days of the receipt
of instructions to do so, and would in any event be unnecessary during
the period of demobilisation of youthful services and the activities of
those which it was considered would provide benefit from the type of
treatment recommended.

No: Conditional Balance and Aid after Discharge.
No: Central Association.

1. The Central Association is a semi-official body, acting under
the guidance of the Home Secretary and an executive committee, with
central office in London, and approximately one associate for each
land division (see a [illegible] TERRITORIES, [illegible]
officer, committee, his brother, and friend to the land during the con-
tinuance of the licence under which he is released.

2. [illegible] of a land, or a friend, [illegible]
[illegible], or not AV, [illegible] in
cases in which the home surroundings are unsatisfactory, or the land
has no relatives, associate is found for him.

3. When an associate is selected, he is called upon to interview
himself to the land, and to give him advice, and also "to act in the
capacity, the responsibilities of which requires a good deal of tact
tion as friend and adviser, time or patience"; and even the friend
of [illegible] [illegible] and [illegible], [illegible]

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must be combined with persistent patience if the feet of a wayward youth, too apt to throw up an uncongenial job or resent the hard word of a foreman, are to be kept firmly along the narrow path of hard work and right living."

4. During the period which a lad is on licence, he is required to keep in close touch with the associate to whom he is attached, changing neither work nor residence without his consent. The lad looks to his associate for help in finding employment, and for a wise means of spending leisure, and in turn receives encouragement and a bracing word when good resolutions begin to wane.

5. The associate reports to the association at least once a month on the progress of the lad. Should there be definite signs of a relapse, an effort is made to direct the lad in the right path, but should this fail, the associate immediately reports to the prison commissioners, who cause the lad's licence to be revoked and he is taken to a special block at Wandsworth prison for further training and treatment.

6. At Wandsworth, the conditions are substantially those of prison life. The purpose is not to give further Borstal training, but to make it clear to the lad that he has been a fool and the way of the transgressor is hard, and also to allow the authorities to find out why the lad failed.

7. When the authorities "have made up their minds about a lad they fix the time he is to serve, and in due course he is licensed again. It is not often that a licence is revoked more than once - a lad who persists in going off the rails after revocation is, unless he is young and not evidently hopeless, usually written off as a loss.

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8. It is respectfully submitted that no new machinery will be required to bring into being in the penitentiary service arrangements that will be equally as effective as the work carried out by the Borstal association. The close liaison presently existing between the remission branch, the department of justice, and the penitentiary service, permits of a facility of close co-operation. The classification board of each Penitentiary, plus the supervisors, if appointed will have a complete knowledge and appreciation of the life and conduct of a youth while in the penitentiary.

9. The remission branch has full particulars pertaining to the nature of the crime, and of the environment in which the youth lived prior to his conviction.

10. The penitentiary is presently equipped with a staff and facilities to seek out, investigate, and recommend persons who might be approved as adviser, big brother, or friend, to a discharged youth having no suitable home to return to upon release.

11. Existing legislation and clemency practice permit of the release of a convict on licence. The person undertaking to act as guide, philosopher and friend to a released youth would only be called upon to perform these functions during the period for which the licence is granted.

12. There would be no difficulty in arranging for close- co-operation between the remission branch, and the selected persons referred to, either direct or through the warden of a penitentiary.

13. Nothing is here proposed which would in any way affect the authority of the crown, or alter existing clemency practice.

HOUSE OF COMMONS DEBATES - February 17, 1936

VOLUME I.

Mr. CHURCH:

1. Has any clemency been decided on, as yet, to be extended by His Gracious Majesty King Edward VIII, on becoming king, to inmates of Canada's penal institutions?

2. Has the government yet received any information it can give the house in this respect?

Mr. POWER (for Mr. Lapointe, Quebec East):

1. The matter is not under consideration.

2. No.

5.8

HOUSE OF COMMONS DEBATES

February 27, 1936

VOL.I

Penitentiaries Commission

Hon. ERNEST LAPOINTE (Minister of Justice):

Mr. Speaker, I beg to lay on the table a copy of the order in council appointing a royal commission to inquire into and report on the penal system of Canada.

HOUSE OF COMMONS DEBATES

JUNE 22nd, 1936.

VOL.IV

Miss MACPHAIL: Will the minister make a statement about the work of the royal commission for the investigation of penitentiaries? When does he expect it will get under way? I have been quite patient about this third member of the commission, and I had hoped that before prorogation the Minister of Justice would make a statement to the house.

Mr. LAPOINTE(Quebec East): As my hon. friend knows, the third commissioner, Mr. Harry Anderson, unfortunately died, and another gentleman whom I expected to induce to accept the appointment has also been called by death. I have in mind another prominent gentleman who has always been deeply interested in these matters, and who entertains to a large extent the views regarding these questions held by the late Mr. Anderson. I am in hopes he will accept when he is through with some work which he actually has on his hands. At all events the investigation will be proceeded with before the next session of parliament.

Item agreed to.

MRS. HARRISON: Will the Minister make a statement about the work of the Royal Commission on the Investigation of Publications? Does anyone know exactly what it will get under way? I have been quite patient about this third Member of the Commission, and I hope that before prorogation the Minister of Publications will make a statement to the House.

MR. [illegible]: As my hon. friend knows, the third commissioner, Mr. Harry [illegible], [illegible] another gentleman whom I expected to choose to assist the [illegible] but this also was called by death. I have in mind another prominent gentleman who has always been highly interested in these matters, and who contributes to a large extent the views regarding these questions held by the late Mr. Anderson. I am in hopes he will accept when he is approached with some [illegible] by [illegible] has on his hands. At all events the investigation will be proceeded with before the next session of Parliament.

Item Matters 4a.

HOUSE OF COMMONS DEBATES

VOL. 1.

February 22,1937. PENITENTIARIES-NUMBER OF PRISONERS AND COST OF MAINTENANCE.

Mr. Ross(St.Paul's):

1. How many prisoners are there in each of the penitentiaries in Canada?
2. What is the cost of maintenance per capita, of prisoners in each penitentiary?

Mr. Lapointe: (Quebec East.):

1. On January 31,1937 there were the following number of prisoners in the respective penitentiaries, exclusive of those on the register but not actually in the penitentiary.

Kingston	719
St.Vincent de Paul	883
Dorchester	364
Manitoba	291
Saskatchewan	390
British Columbia	275
Collins Bay	202
Total	3,124.

In addition to the above there were 123 convicts on the register of the different penitentiaries but not included in the above total, as follows:

Kingston	41
St. Vincent de Paul.	45
Dorchester	13
Manitoba	4
Saskatchewan	15
British Columbia	5
Collins Bay	0
Total	123.

2.

Kingston	$1.74
St.Vincent de Paul	1.85
Dor chester	2.11
Manitoba	2.84
British Columbia	3.58
Saskatchewan	2.56
Collins Bay	4.43
All Penitentiaries	2.33

Year ending March 31,1936.

Table 4.

February 28,1927. PRISONERS DISCHARGED OR PAROLED DURING YEAR BY INSTITUTIONS.

Mr. Ross(St.Paul's):

1. How many prisoners are there in each of the penitentiaries in Canada?
2. What is the cost of maintenance per capita, per diem, in each penitentiary?

Mr. Lapointe (Gaspe East.):

1. On January 31,1928 there were the following number of prisoners in the respective penitentiaries, exclusive of those on the ticket-of-leave but not actually in the penitentiary.

Kingston	719
St.Vincent de Paul	823
Dorchester	364
Manitoba	297
Saskatchewan	380
British Columbia	276
Collins Bay	[illegible]
Total	2,858

2. Addition to the above there are 1,[illegible] inmates in the Penitentiary [illegible] the different penitentiaries for the fiscal year ending March 31, 1927 as follows:

Kingston	41
St. Vincent de Paul	46
Dorchester	13
Manitoba	4
Saskatchewan	12
British Columbia	5
Collins Bay	2
Total	[illegible]

3.

Kingston	[illegible]
St.Vincent de Paul	1.[illegible]
Dor chester	2.11
Manitoba	2.[illegible]
British Columbia	2.[illegible]
Saskatchewan	2.[illegible]
Collins Bay	2.[illegible]
All Penitentiaries	2.[illegible]

Year ending March 31,1926.

February 22,1937 Cont'd. BORSTAL SYSTEM.

Mr. Church:

1. Was an investigation made into the workings of the Borstal system in England by the Department of Justice?
2. If so, with what results?
3. Are any steps being taken this session to give effect to the installation of such a system for the youth of Canada in order to improve present antiquated conditions as to youth.

Mr. Lapointe: (Quebec East):

1. Yes

2. The report and study of the Borstal system in England is contained in the annual report of the sperintendent of penitentiaries tabled in the House of Commons, February 10th,1936.

3. It is not anticipated that such steps will be taken to give effect to the installation of this system until the report of the commission to investigate the penal system of Canada has been presented.

February 25, 1947 Question Period.

Mr. Chairman:

1. Has an investigation been made into the workings of the Borstal system in England by the Department of Justice?
2. If so, with what results?
3. Are any steps being taken this session to give effect to the institution of such a system for the youth of Canada in order to improve present antiquated conditions as to youth.

Mr. Lapointe: (Quebec East):

1. Yes

2. The report and study of the Borstal system in England is contained in the annual report of the superintendent of penitentiaries tabled in the House of Commons, February 10th, 1938.

3. It is not anticipated that such steps will be taken to give effect to the installation of this system until the report of the commission on juvenile to the penal system of Canada has been presented.

HOUSE OF COMMONS DEBATES

, VOL. 1.

March 24, 1937. NEW WESTMINSTER PENITENTIARY.

On the orders of the day:

Mr. Thomas Reid (New Westminster): I should like to ask the Minister of Justice (Mr. Lapointe) if his attention has been drawn to a matter affecting the administration of the p enitentiary at New Westminster, where the usual process has been reversed in that some person or persons succeeded in breaking into the penitentiary over the high walls surrounding that institution, and were able to get away with some valuable equipment. My second question is this: Can the minister inform the house when the royal commission investigating the penitentiaries will reach the Pacific coast?

Hon. Ernest Lapointe,(Minister of Justice): Mr. Speaker, I shall be pleased to inquire into the first question raised by the hon.member, and do my best to satisfy his legitimate curiosity. In reply to the second question may I say the commission is in Kingston; it will complete its work there in the very near future and will proceed to the Pacific coast.

HOUSE OF COMMONS DEBATES

VOL. 3.

DATE: 24. 1917. **NEW WESTMINSTER INTERVIEW.**

On the orders of the day:

Mr. THOMAS REID (New Westminster): I should like to ask the Minister of Justice (Mr. Lapointe) if his attention has been drawn to a matter affecting the administration of the Dominion at New Westminster, where the usual process has been reversed in that some person or persons alleged that in breaking into the penitentiary over the main walls overwhelming that institution, and were able to get away with some valuable equipment. My second question is this: Can the minister inform the house when the royal commission investigating the penitentiaries will reach the Pacific coast?

Hon. ARTHUR LAPOINTE (Minister of Justice): Mr. Speaker, I shall be pleased to inquire into the first question raised by the hon. member, and do my best to satisfy his legitimate curiosity. In reply to the second question, may I say the commission as in CANADA: it will consider the work done in the west when future and will proceed to the Pacific coast.

HOUSE OF COMMONS DEBATES, 1937.

MARCH 29, 1937.

NEW WESTMINSTER PENITENTIARY.

Hon. Ernest Lapointe: Mr. Speaker, on March 24, the member for New Westminister (Mr. Reid) drew my attention to an unusual occurrence in connection with the adminstration of the penitentiary at New Westminster. His statment was to the effect that some person or persons had broken into the penitentiary, over the high wall surrounding that institution, and had got away with some valuable material.

The facts are that veterinary supplies of the organization valued at $24 were stole from the piggery durin g the night of March 16, 1937. The piggery is a detached building outside of the penitentiary walls, situated on the reserve about two hundred yards to the west of the southwest gate. The drugs referred to are used for inoculation purposes and were not considered as being articles likely to be stolen. However, necessary steps are being taken to prevent a similar occurrence in the future.

(pp 2412)

HOUSE OF COMMONS DEBATES, 1927.

MARCH 29, 1927.

NEW WESTMINSTER PENITENTIARY.

Hon. Ernest Lapointe: Mr. Speaker, on March 24, the member for New Westminster (Mr. Reid) drew my attention to an unusual occurrence in connection with the administration of the penitentiary at New Westminster. His statement was to the effect that some person or persons had broken into the penitentiary, over the high wall surrounding that institution, and had got away with some valuable material.

The facts are that veterinary supplies of the organization valued at $24 were stole from the piggery durin g the night of March 16, 1927. The piggery is a detached building outside of the penitentiary walls, situated on the reserve about two hundred yards to the west of the southwest gate. The drugs referred to are used for inoculation purposes and were not considered as being articles likely to be stolen. However, necessary steps are being taken to prevent a similar occurrence in the future.

(pp 2412)